

TOWN PLANNING BOARD

Minutes of 486th Meeting of the Metro Planning Committee held at 9:00 a.m. on 5.4.2013

Present

Director of Planning
Mr. K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Patrick H.T. Lau

Mr. Stephen H.B. Yau

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

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

Principal Environmental Protection Officer (Metro Assessment) (Atg.),
Environmental Protection Department
Mr. K.H. To

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

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

Secretary

Absent with Apologies

Professor P.P. Ho

Mr. Maurice W.M. Lee

Ms. Julia M.K. Lau

Ms. Bonnie J.Y. Chan

Mr. Dominic K.K. Lam

In Attendance

Assistant Director of Planning/Board
Miss H.Y. Chu

Chief Town Planner/Town Planning Board
Mr. Edward W. M. Lo

Town Planner/Town Planning Board
Mr. K.K. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 485th MPC Meeting held on 15.3.2013

[Open Meeting]

1. The draft minutes of the 485th MPC meeting held on 15.3.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tsuen Wan and West Kowloon District

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Mr. Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Further Consideration of the Proposed Amendments
to the Approved Cheung Sha Wan Outline Zoning Plan No. S/K5/33
(MPC Paper No.8/13)

3. With the aid of a PowerPoint, Mr. Philip Y.L. Chum, STP/TWK, briefed Members on the proposed amendments to the approved Cheung Sha Wan Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points :

Background

- (a) on 15.3.2013, the Committee considered and agreed to the proposed Amendment Items A to E to the approved Cheung Sha Wan OZP No. S/K5/33, which were detailed in paragraph 1.1 of the Paper;
- (b) two additional proposed amendment items (i.e. Items F and G) involving rezoning of the two sites zoned “Government, Institution or Community” (“G/IC”) at 650 Cheung Sha Wan Road and Fuk Wing Street/Fuk Wa Street (to the east of Camp Street) respectively were submitted for consideration by the Committee at this meeting. These two proposed amendment items were not put forth to the Committee for consideration on 15.3.2013 because they were being reviewed in relation to the comments and suggestions made by members of the Sham Shui Po District Council (SSPDC) at its meeting on 15.1.2013, and now the review of the comments and suggestions had been completed;
- (c) similar to the proposed Amendment Items A to C previously agreed by the Committee, the proposed Amendments Items F and G were also in line with the Government’s commitment to expand land resources for Hong Kong with a view to meeting housing, social and economic developments. Among various measures, consideration had been given to reviewing “G/IC” and other government sites (mainly those that were considered underutilized or having no designated government use) which had potential for other alternative uses. The two “G/IC” sites at 650 Cheung Sha Wan Road (Item F) and Fuk Wing Street/Fuk Wa Street (Item G) were identified as suitable for commercial development and residential development respectively;

Proposed Amendments to the OZP

Item F: To rezone the site at 650 Cheung Sha Wan Road from “G/IC” to “Commercial (5)” (“C(5)”)

- (d) the site at 650 Cheung Sha Wan Road (about 0.16 ha) was currently zoned “G/IC” on the OZP. It was now occupied by two medium-rise government buildings completed in the 1960s. The front block (i.e. the one fronting onto Cheung Sha Wan Road) had been occupied by a post office, temporary government storages and Non-Governmental Organization (NGO) office, while the rear block was used as discipline services quarters;

- (e) given the relatively prime location of the site with good accessibility, and that the majority of the users of the two building blocks were either for temporary purposes and/or less location-bounded, the site was considered underutilized and presented opportunities for alternative use. Taking account of the site’s location in-between residential and industrial/business uses, it was considered that both commercial development and residential development at the site would not be incompatible with its surrounding land uses. However, the Environmental Protection Department (EPD) considered that as the site was subject to traffic noise and vehicular emission from the heavily trafficked Cheung Sha Wan Road, it was not environmentally desirable for residential use and non-environmental sensitive uses such as commercial use would be more suitable;

- (f) the current “G/IC” zoning for the site was stipulated with a building height (BH) restriction of 12 storeys reflecting the existing height of the higher block on the site. The adjacent Lai Sun Commercial Centre was zoned “C(3)” with a plot ratio (PR) restriction of 12 and a BH restriction of 100mPD, while the adjacent residential area was zoned “Residential (Group A)8” (“R(A)8”) with a BH restriction of 100mPD or 120mPD (for sites with an area of 400 m² or more). Having taken into account the PR/BH restrictions for the adjoining “C(3)” site and the BH restriction for the surrounding “R(A)8” sites, it was proposed to stipulate a PR restriction of 12 and a BH restriction of 100mPD for the proposed “C(5)” zoning for the site;

- (g) as there was a need to re-provision the previous post office on the site, the requirement for the provision of government accommodation for a post office (which would be PR accountable) within the future development would be reflected in the Explanatory Statement (ES) of the OZP;
- (h) the proposed commercial use and development parameters for the site would not have insurmountable visual, air ventilation, traffic, environmental and infrastructural impacts on the surrounding areas;

Item G: To rezone the site at Fuk Wing Street/Fuk Wa Street from “G/IC” and “R(A)7” to “R(A)10”

- (i) the majority of the site at Fuk Wing Street/Fuk Wa Street (to the east of Camp Street) (about 0.31 ha) was currently zoned “G/IC” on the OZP, with a minor portion at the eastern boundary falling within the “R(A)7” zone. The site was now occupied by a temporary open-air fee-paying public car park and a temporary refuse collection point (RCP), and was not designated for any long-term government, institution or community (GIC) use;
- (j) the site fell within an area characterized by a general mix of residential buildings with commercial uses on the lower floors and GIC buildings including schools. Given the general land use character of the surrounding areas, the site was considered suitable for residential development;
- (k) the BH restrictions for the “G/IC” zones around the site generally ranged from 6 to 8 storeys, while the “R(A)7” zones to its north and east were restricted to a maximum domestic PR of 7.5 and a total PR of 9, and a maximum BH of 90mPD or 110mPD (for sites with an area of 400 m² or more). In this regard, the site was proposed to follow the same development restrictions as its surrounding “R(A)7” zones (i.e. subject to a maximum domestic PR of 7.5 and a total PR of 9, and a maximum BH of 90mPD or 110mPD (for sites with an area of 400 m² or more)). It was estimated that the proposed development could provide about 475 flats;

- (l) the temporary RCP was originally not included in the rezoning proposal. Taking into account the comments/suggestions from the SSPDC, further examination had been undertaken on the possibility of forming a larger site for residential development by relocating the RCP elsewhere in the vicinity. Since no suitable site could be identified within the catchment area of the existing RCP, it was proposed to incorporate the reprovisioning of the RCP into the proposed residential site to optimize the development potential of the land;

- (m) the Transport Department (TD) considered that the parking provision in the vicinity of the site would become very tight once the short term tenancy for the fee-paying public car park (with a capacity of about 116 parking spaces) at the site was terminated. As such, TD recommended the requirement for provision of 70 public car parking spaces within the development;

- (n) the requirements of providing a government RCP and 70 public parking spaces would be stipulated in the Notes of the OZP, and they would be accountable for non-domestic PR;

- (o) the proposed residential use and development parameters for the site would not have significant adverse visual, air ventilation, traffic, environmental and infrastructural impacts on the surrounding areas;

Proposed Amendments to the Notes and ES of the OZP

- (p) related amendments to the Notes of the OZP would be made in relation to the new “C(5)” and “R(A)10” sub-zones;

- (q) for the purpose of provision of public car parking spaces within the “R(A)10” sub-zone, the user term ‘Public Vehicle Park (excluding container vehicle) (on land designated “R(A)2” only)’ under Column 1 of the Notes for the “R(A)” zone would be revised to read ‘Public Vehicle Park (excluding container vehicle) (on land designated “R(A)2” and “R(A)10” only)’;

- (r) with respect to the provision of a RCP within the “R(A)10” sub-zone, the user term ‘Government Refuse Collection Point (on land designated “R(A)1” and “R(A)2” only)’ under Column 1 of the Notes for the “R(A)” zone in relation to uses that were always permitted (a) on the lowest three floors of a building, taken to include basements; or (b) in the purpose-designed non-residential portion of an existing building, both excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room, would be revised to read ‘Government Refuse Collection Point (on land designated “R(A)1”, “R(A)2” and “R(A)10” only)’.

- (s) the ES would be revised to take into account all the proposed amendments. Opportunity would also be taken to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP;

Provision of GIC facilities and Open Space

- (t) based on the planned population for the area, except for three post offices, one sports centre, 55 secondary school classrooms and 11 primary school classrooms, there was no deficit of GIC provision in the area. There was a general shortfall of open space in Cheung Sha Wan. The shortfall of open space and a sports centre in the Cheung Sha Wan area could be alleviated by the surplus of provision in the adjoining Lai Chi Kok and Shek Kip Mei areas.

Consultation

- (u) relevant government bureaux/departments consulted had no objection to or comment on the proposed amendments to the OZP;

- (v) the SSPDC was consulted on the recommendations on the two rezoning proposals above, among others, on 15.1.2013. Members of the SSPDC were generally supportive of the proposals. However, two members

objected to the proposed rezoning of the site at 650 Cheung Sha Wan Road for commercial use and considered that in view of housing shortage, the site should be rezoned for residential use instead. As for the site at Fuk Wing Street/Fuk Wa Street, there were suggestions on reprovisioning the displaced public car parking spaces within the future residential development and that the temporary RCP site should be amalgamated into the originally proposed residential site to form a larger site for development. There was also a suggestion that the site should be for public housing development instead of for private housing. Comments/suggestions of the SSPDC members had been duly taken into account and adopted where appropriate.

4. A Member asked if the site at Fuk Wing Street/Fuk Wah Street was originally planned for any GIC use and how often would the population-based standards and guidelines on the provision of GIC facilities be reviewed to suit the changing circumstances. In reply, Mr. Wilson Chan said that the Fuk Wing Street/Fuk Wah Street site was an undesignated “G/IC” site with no planned GIC facilities for the site. As regards the provision of GIC facilities, taking the original post office at the 650 Cheung Sha Wan Road site as an example, the Postmaster General had reviewed the user demand for post office from time to time and advised that reprovision of the post office in the future development on the site was required.

5. In response to the Chairman’s question, Mr. Wilson Chan said that considering the Sham Shui Po district as a whole, the deficit in provision of open space, sports centre as well as secondary school and primary school classrooms in Cheung Sha Wan area could be alleviated by the surplus of provision in the neighbouring Lai Chi Kok and Shek Kip Mei areas. The Education Bureau had been consulted and had no objection to the proposed amendments to the OZP.

6. A Member noted that the existing RCP at the Fuk Wing Street/Fuk Wah Street site was of temporary nature and asked where the permanent RCP was originally planned for. This Member also raised concern on the feasibility of incorporating the RCP in the future residential development at the Fuk Wing Street/Fuk Wah Street site as the RCP might create environmental nuisance to the residents. In reply, Mr. Wilson Chan said that the Food and Environmental Hygiene Department (FEHD) had a plan to turn the existing temporary RCP

at the Fuk Wing Street/Fuk Wah Street site into a permanent RCP. As regards the possible environmental nuisance of the future RCP which might affect the residential uses on the same site and the surrounding areas, the issue could be properly addressed at the detailed building design stage by requiring different accesses for residential use and RCP and incorporating odour-removal equipments in the RCP as per the requirements of FEHD and EPD. Such requirements could be specified in the land sale conditions. The Chairman said that there were successful examples that RCPs could be satisfactorily incorporated in residential developments without creating environmental problems.

7. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/33 as mentioned in paragraphs 6 and 7 of the Paper and that the draft Cheung Sha Wan OZP No. S/K5/33B at Attachment Ib of the Paper (to be renumbered to S/K5/34 upon gazetting) and its Notes at Attachment II of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement at Attachment III of the Paper as an expression of the planning intention and objectives of the Town Planning Board (the Board) for the various land use zones of the OZP, and was suitable for exhibition together with the OZP and its Notes.

[The Chairman thanked Mr. Wilson W.S. Chan, DPO/TWK, and Mr. Philip Y.L. Chum, STP/TWK, for their attendance to answer Members' enquiries. Mr. Chan and Mr. Chum left the meeting at this point.]

Hong Kong District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/H8/419 Proposed Comprehensive Residential, Commercial (Eating Place, Shop and Services), Public Open Space, Government, Institution or Community Uses, Public Coach Park and Public Transport Terminus Development in “Comprehensive Development Area (3)” zone, Inland Lot No. 9027 and Adjoining Government Land, Java Road and Tin Chiu Street, North Point
(MPC Paper No. A/H8/419)

8. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP), and LD Asia was the consultant of the applicant. The following Members had declared interests in this item :

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| Mr. Patrick H.T. Lau | – | had current business dealings with SHKP and LD Asia |
| Ms. Julia M.K. Lau and
Mr. Dominic K.K. Lam |) | had current business dealings with SHKP |
| Mr. Roger K.H. Luk,
Mr. Stephen H.B. Yau and
Mr. Frankie W.P. Chou |) | owned properties in the North Point district |

9. The Committee noted that Ms. Lau and Mr. Lam had tendered apologies for not being able to attend the meeting. As the item was for deferral of the consideration of the application, the Committee agreed that the other Members who had declared interests could stay in the meeting.

10. The Secretary also reported that on 15.3.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments on the application.

11. 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

Agenda Item 5

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/K11/210B)

12. The Secretary reported that Ms. Julia M.K. Lau had declared an interest in this item as she had current business dealings with Knight Frank Petty Ltd., the consultant of the applicant. The Chairman also declared an interest in this item as the ash niches of some of his relatives were placed at the subject temple.

13. The Committee noted that Ms. Lau had tendered an apology for not being able to attend the meeting. As the item was for deferral of the consideration of the application, the Committee agreed that the Chairman could stay in the meeting.

14. The Secretary also reported that on 7.3.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to address the comments raised by the Transport Department (TD), including to conduct traffic surveys to cover this year's Ching Ming Festival (i.e. 4.4.2013).

15. The Secretary stated that the application for the proposed columbarium had been deferred twice since November 2012. Subsequent to the submission of further information by the applicant on 18.12.2012, including the traffic impact assessment report of the proposed columbarium, TD advised that the traffic surveys should cover the festival days (Ching Ming/ Chung Yeung Festival) and the shadow period (e.g. the first weekend before and after the festival day). As such, the applicant would require additional time to conduct traffic survey during the Ching Ming Festival and prepare further information to address TD's concerns.

16. 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 more months were allowed for preparation of the submission of the further information, and since a total period of six months had been allowed, no further deferment would be granted.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/297 Proposed Hotel Development, Minor Relaxation of the Plot Ratio Restriction from 0.6 to 0.68 (based on “R(C)1” zone), and Minor Relaxation of the Building Height Restriction to Allow for One Storey of Basement for Two Car Parking Spaces, One Loading/Unloading Bay and Ancillary Plant Room Use in “Residential (Group C) 1” zone and an area shown as ‘Road’, 147 Waterloo Road and Adjoining Government Land, Kowloon Tong
(MPC Paper No. A/K18/297B)

17. The Secretary reported that Ms. Julia M.K. Lau had declared an interest in this item as her family members lived in the Kowloon Tong district. The Committee noted that Ms. Lau had tendered an apology for not being able to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application – the application site comprised a private lot (about 822.97 m²) within the “Residential (Group C) 1” (“R(C)1”) zone and a strip of government land (120 m²) mainly within an area shown as ‘Road’ on the Outline Zoning Plan (OZP). The strip of government land was formerly a private lot known as NKIL 905 S.A, which was resumed by the Government on 25.5.1978 and had been developed as a public footpath. According to the relevant agreement as to compensation and indemnity dated 9.4.1980, upon redevelopment of the Remaining Portion of NKIL 905 (i.e. the private lot portion of the application site), the area of the said government land (i.e. the previous NKIL 905 S.A) would be taken into account in calculating plot ratio and site coverage. According to the applicant’s proposal, no development would be carried out on this strip of government land;

- (b) the proposed hotel development, minor relaxation of the plot ratio restriction from 0.6 to 0.68 (based on “R(C)1” zone), and minor relaxation of the building height restriction to allow for one storey of basement for two car parking spaces, one loading/unloading bay and ancillary plant room use;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper and were highlighted below :
 - (i) the Commissioner for Transport (C for T) did not support the application as the proposed lay-by and swept path of single-deck tour bus would encroach onto the up ramp of the basement, which were undesirable from the traffic point of view; and
 - (ii) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had strong reservations on the application as the proposal had no merit from the landscape planning perspective. The applicant proposed to fell the three existing trees on the site, instead of transplanting, and proposed to increase the provision of greening. However, as shown on the layout plan, most of the ground floor area would be used for vehicle circulation, leaving a small portion proposed as a garden. There were also no tree compensatory proposal and landscape proposal included in the submission. Considering that the site was situated within the Kowloon Tong Garden Estate (KTGE) area, the applicant should maximize the at-grade greening opportunities including tree planting to improve the landscape and visual amenity of the proposed development, and should review if the existing *Albizia lebbbeck* and *Dimocarpus longan* could be accommodated in the development;
- (d) no local objection/view was received by the District Officer (Kowloon City). During the first three weeks of the statutory publication period, two public comments objecting to the application were received. The commenters were of the view that there were inadequate technical assessments to assess the traffic impact of the proposed development which

would aggravate the existing traffic congestion at Somerset Road and Waterloo Road and affect pedestrian safety; the Board should refrain from allowing further increase in development density and traffic in Kowloon Tong; the proposed hotel would attract outsiders and thus adversely affect the security of the area; the proposed 3-storey development would have adverse visual impact; and the applicant could meet parking and plant room requirements without increasing the building height;

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 10 of the Paper. The proposed hotel development was not in line with the planning intention of the “R(C)1” zone and not compatible with the established uses within the KTGE which were mainly low-rise, low-density residential developments intermixed with some educational uses. While no application for hotel development in the KTGE had been approved before, the intrusion of hotel use into the low-density residential neighbourhood would adversely affect its character and should not be encouraged. The applicant had not demonstrated any special design merit in the submission that warranted favourable consideration for a minor relaxation of building height restriction. CTP/UD&L of PlanD had strong reservation on the proposal as it had no landscape planning merit. C for T did not support the application as the proposed lay-by and swept path of single-deck tour bus would encroach onto the up ramp of the basement.

19. A Member requested that in future applications for non-residential uses in the KTGE area, a plan to show previous planning applications considered by the Board for non-residential uses (i.e. hotel and kindergarten) as well as such existing non-residential uses which did not require planning permission in the KTGE area be included to facilitate the Committee to have an overall picture of the distribution of such non-residential uses in the KTGE area. Ms. S.H. Lam replied that such information could be provided to the Committee if necessary. The Secretary supplemented that some current non-residential uses in the area, which were non-conforming to the OZP and not subject to any previous planning approvals, might have existed before the first exhibition of the OZP and regarded as existing uses. The Secretary also pointed out that as Members would like to have an overall picture

of the distribution of such uses for a general reference, it would not be appropriate to include such information in individual application papers. Instead, it was suggested that the Planning Department could prepare an information note presenting the overall distribution of non-residential uses in the KTGE area to the Committee. Members concurred with the Secretary's suggestion.

20. In response to a Member's question on C for T's adverse comments on the application, Ms. S.H. Lam and Mr. W.B. Lee explained with the swept path drawings submitted by the applicant (at Appendix 14 of Appendix Ig of the Paper) that the proposed area of the lay-by for the 10m-long single-deck tour bus on G/F would encroach onto the up ramp of the basement and that the tour bus would need to manoeuvre at the up ramp when it moved out from the site, which were considered undesirable by C for T.

Deliberation Session

21. In response to a Member's question, the Chairman clarified that the current application involved three aspects, namely the proposed hotel use, the proposed minor relaxation of plot ratio restriction and the proposed minor relaxation of building height restriction.

22. A Member was of the view that the Commissioner for Tourism was always giving support for planning applications for hotel development by giving standard comments, notwithstanding that the proposals were of different characters and in locational contexts. Such standard comments would not be very useful for the Board in assessing applications for hotel development. In response, the Secretary said that the Member's concern was understandable and the Secretariat would convey Members' concern to the Commissioner for Tourism for consideration.

23. 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 site fell within and formed an integral part of the Kowloon Tong Garden Estate (KTGE), which was intended primarily for low-rise,

low-density residential developments. The proposed hotel development was not in line with the planning intention of the KTGE and was considered not compatible with surrounding uses in the area;

- (b) there was no planning or design merit to justify the proposed minor relaxation of building height restriction;
- (c) the proposed design of the car park and driveway was not acceptable from traffic engineering point of view; and
- (d) the approval of the proposed hotel development would set an undesirable precedent for other similar applications for non-residential uses in the area leading to the intrusion of commercial uses into the low-density residential neighbourhood and further degradation of the residential neighbourhood, the cumulative effect of which would affect the integration of the KTGE.

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

Agenda Item 7

Any Other Business

24. There being no other business, the meeting closed at 9:45 a.m.