

TOWN PLANNING BOARD

**Minutes of 497th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 27.9.2013**

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 H.W. Cheung

Mr Dominic K.K. Lam

Mr Stephen H.B. Yau

Chief Traffic Engineer/Kowloon,
Transport Department
Mr Wilson W.S. Pang

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

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

Mr Maurice W.M. Lee

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Mr Roger K.H. Luk

Ms Bonnie J.Y. Chan

Mr Sunny L.K. Ho

Mr Patrick H.T. Lau

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

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. AU

Chief Town Planner/Town Planning Board (Acting)
Ms Donna Y.P. Tam

Town Planner/Town Planning Board
Miss Anny P.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 496th MPC Meeting held on 6.9.2013

[Open Meeting]

1. The Secretary said that Mr W.B. Lee, Assistant Commissioner for Transport (Urban), Transport Department had proposed amendments to paragraph 52 of the draft minutes which were tabled at the meeting and highlighted as follows :

“52. A Member asked whether there would be any adverse traffic impact if there were similar developments on other lots along Lugard Road. Mr W.B. Lee replied that the traffic impact of the proposed hotel development, i.e. 2 trips per hour, with the traffic management measure in place, was comparable to that of a residential development. The proposed traffic management measures were considered useful in minimising the traffic impact due to the hotel development. There were only two ~~other~~ lots using the same access via Lugard Road. If there was a change in land use at the other lots, the traffic impact on Lugard Road should still be acceptable.”

2. The Committee agreed that the draft minutes of the 496th MPC Meeting held on 6.9.2013 were confirmed subject to the above amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Hong Kong District

[Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/76 Proposed Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.548 for a Proposed Heritage Conservation-cum-House Development in “Residential (Group C)3” Zone, 8 Pollock’s Path, The Peak, Hong Kong
(MPC Paper No. A/H14/76A)

4. The Secretary reported that Mr Dominic K.K. Lam had declared an interest in this item as he had current business dealings with WSP Hong Kong Ltd., one of the consultants of the application. As Mr Dominic K.K. Lam had no direct involvement in this application, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed minor relaxation of the plot ratio (PR) restriction from 0.5 to 0.548 for a proposed development comprising two houses (3 storeys and 4 storeys respectively) while preserving in situ the southern and portion of the north-eastern façades of the existing building on the application site, which was a Grade 2 historic building. The additional PR of 0.048 (about 100.887m² additional gross floor area (GFA)) involved the two façades (27.624m²) to be preserved which were GFA accountable under the Buildings Ordinance; two covered terraces (37.938m²) between the southern façade and the living room of each house as lateral support; and the foyer area (35.325m²) at LG/F of House B. The floor slabs above the terraces would serve as a covered maintenance access and open flat roofs

outside the bedroom area on 1/F. Given the level difference and site constraints imposed by the preservation of the two existing façades, an additional LG/F for House B would be constructed and a foyer area was proposed to connect the vehicular entrance and the carport at LG/F to House B;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Heritage’s Office (CHO), Development Bureau and the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department supported the application and considered that the preservation-cum-development proposal was commensurate with the grading and heritage value of the historic building. They agreed that the proposed covered terraces were necessary and that the extra GFA of the proposed foyer was directly induced by the preservation of the façade and was a reasonable design and of reasonable size. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) the District Officer (Central & Western), Home Affairs Department advised that the Central & Western District Council was generally concerned about the increase in development density in the district. District Councillor Mr CHAN Ho-lim, Joseph had expressed concern over the justification for relaxation of PR and its impact on surrounding environment and residents;
- (e) during the first three weeks of the statutory publication period, a total of 14 public comments were received. Among them, 11 supported the application while the remaining three raised objection to/concern on the application. The opposing comments included that the additional PR claimed was too excessive; there was insufficient information on the heritage value to justify the claim; approval of the application would set an undesirable precedent; and to relax the PR to all developments in the Peak Area to avoid preferential treatment to any single developer; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment set out in paragraph 11 of the Paper. As advised by CHO and AMO, the preservation-cum-development proposal was commensurate with the grading and heritage value of the historic building, and the proposed PR relaxation was considered reasonable. The proposed house use was in line with the planning intention of the “Residential (Group C)3” (“R(C)3”) zone and was compatible with the neighbouring residential developments. The proposed building height of 3 and 4 storeys was lower than the building height restriction of 6 storeys over 1 storey of carports permitted under the OZP. The local road system, existing character and amenity of the Peak Area would not be adversely affected by the proposed development. On the point of preferential treatment raised in the opposing public comment, it should be noted that minor relaxation of the PR restriction would be considered by the Board on individual merits through the planning permission system.

6. In response to a Member’s questions, Miss Isabel Y. Yiu confirmed that the applicant proposed to redevelop the existing house into two houses, but would preserve in situ two façades of the existing historic house, which was a Grade 2 historic building. She said that CHO and AMO had been discussing with the owner on possible preservation-cum-development options for the historic building. In assessing whether the proposal was acceptable, they would consider whether the extra GFA was induced by the preservation and of reasonable size, and whether the design was appropriate. Appropriate incentive would also be provided to encourage conservation. As the subject building was a Grade 2 historic building, efforts should be made to selectively preserve the historic building. CHO and AMO considered that the current proposal was commensurate with the grading and heritage value of the historic building and the relaxation was reasonable. The proposal had struck a balance between conservation and development and CHO and AMO supported the application.

Deliberation Session

7. A Member said that in considering previous planning applications for minor relaxation of PR restriction for proposals to preserve historic buildings, one major

consideration was whether the proposals would have public benefits or the relaxation was to accommodate the GFA resulting from the preservation of the historic buildings. However, under the current application, while two façades of the historic building were preserved, the future development would not be open for public use. This Member considered that the Committee should be prudent in considering the subject application, in particular whether additional GFA should be allowed for the preservation proposal. Approval of the subject application might set a precedent for similar cases.

8. A Member said that the existing building was under private ownership. The owner had the right to demolish the historic buildings and redevelop the site. It was noted that CHO and AMO had a long discussion with the applicant before coming up with the current scheme. Discounting the GFA of the two façades to be preserved, the percentage of PR increase sought was much less than 10%. The proposed building heights of 3 and 4 storeys were well below the building height restriction of 6 storeys over 1 storey of carport permitted under the OZP. This Member said that the application should be supported.

9. The above view was shared by another Member who considered that the relaxation of PR would give incentive for preserving important elements of the historic building. This was in line with the public aspiration for preservation of historic buildings.

10. While supporting the preservation of the two façades, a Member said that the additional GFA to be allowed should be fully justified. This Member noted that the GFA of the two concerned façades was directly related to the preservation while the terraces were to provide lateral support to the southern façade and to facilitate future maintenance works. However, the proposed foyer at House B was only to facilitate internal access in House B, and was not directly related to the preservation of the façades. If the foyer was allowed as an incentive for preserving the façades, this would set a precedent for similar cases. Another Member concurred with this view.

11. The Chairman noted that Members generally supported the preservation of the two façades as proposed in the application. The preservation of the façades would result in some constraints to the design of the development of the site. In considering the proposed increase in GFA, Members might consider whether the additional GFA was reasonable.

12. The Secretary provided some background information and said that the Town

Planning Board had previously approved applications for minor relaxation of PR restriction relating to preservation of historic buildings. In the Jessville case in Pok Fu Lam, the applicant proposed under the relevant application to preserve the historic building, and Jessville would be open to the public once a week. The preserved historic building was totally exempted from GFA calculation. Other examples included the preservation of the front portion of the shophouse at 179 Prince Edward Road West and part of the façade of the historic building at 47 Barker Road. The latter involved additional GFA for external structures which were intended to provide structural support. Under the current application, the two façades to be preserved and the covered terraces which would provide lateral support to the façades could be considered as directly related to the preservation. However, for the proposed foyer, it was more related to the design of the proposed development. As indicated in the comments provided by CHO and AMO in paragraph 9.1.2 of the Paper, they recognised that it was necessary to offer appropriate incentive to encourage or in exchange for private owners to conserve historic buildings in their ownership. The proposed additional GFA for the foyer (i.e. 35.325m²) could be regarded as an incentive provided to the applicant in line with the policy. CHO and AMO considered that the preservation of the façades imposed certain constraints on the design of the proposed development and agreed that the foyer at House B was a reasonable design and of a reasonable size.

13. In response to two Members' questions, Miss Isabel Y. Yiu said that the GFA of the two façades and the two covered terraces were 27.624m² and 37.938m² respectively, while the GFA of the foyer was 35.325m².

14. The Vice-chairman said that discounting the area of the two façades, the additional GFA sought was about 73m² and this included the terraces area which was required mainly to provide support and maintenance access for the preserved façades. The applicant would be responsible for preserving and maintaining of the two façades in future which would involve extra cost. The additional GFA (about 35m²) for the foyer could be regarded as an incentive for the applicant to take up these preservation and maintenance works. While the future development was not open to the public, the public could still appreciate the preserved façades from outside. This could be regarded as a planning merit. The scheme should be supported.

15. Members generally considered that the application could be approved. Members

then went through the approval conditions as recommended in paragraph 12.2 of the Paper. In response to the Chairman's enquiry on conditions (b) and (c), Miss Isabel Y. Yiu explained that as requested by AMO, the applicant was required to submit a documentation including photographic recording and floor plans showing the existing historic building to AMO for record. In addition, an information panel for the existing historic building would be displayed at a prominent location within the site.

16. The Secretary said that as the minor relaxation of the PR restriction was approved on the basis of providing incentive for preserving the two relevant façades of the existing historic building, the approval should only be applicable to the current scheme. If the site was further redeveloped in future, the additional GFA which would form part of the 'existing building' upon completion of the development should not be allowed as of right, as the two façades might not be preserved. This involved a technical issue and the Notes of the OZP which allowed redevelopment up to the bulk of the 'existing building' might need to be amended in respect of this site. The Secretary suggested and Members agreed that the Secretariat would follow up the issue and seek advice from the Department of Justice, if required.

17. Members agreed that the granting of the minor relaxation of the PR restriction was mainly based on the consideration that the proposed development demonstrated a clear commitment by the applicant to preserve the two façades of the historic building. In this connection, the PR relaxation should only be applicable for the life-time of the proposed buildings.

18. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) for the life-time of the proposed buildings as approved. The permission should be valid until 27.9.2017, 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 minor relaxation of plot ratio (PR) restriction is only applicable to the proposed buildings under the approved scheme. The additional PR granted shall not be taken as forming part of the 'existing buildings' upon

future redevelopment of the site;

- (b) the submission of a Conservation Management Plan (CMP) including a detailed conservation proposal for the graded building prior to the commencement of any works and implementation of the works in accordance with the CMP to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (c) the submission of a documentation of the project to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (d) the provision and maintenance of an information panel for the graded building at a prominent location within the site to the satisfaction of the Director of the Leisure and Cultural Services or of the TPB;
- (e) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the implementation of the improvement works identified in the Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB; and
- (i) the submission and implementation of tree preservation and landscape proposals and quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concessions for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concessions are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department regarding the requirements laid down under PNAP APP-2, APP-151, APP-152, and Code of Practice for Fire Safety in Buildings 2011;
- (c) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department in respect of the need to apply to his office for modification of lease conditions to implement the proposed works in respect of the right of way;
- (d) to note the comments of the Head, Geotechnical Engineering Office, Civil Engineering and Development Department in respect of the investigation of the stability of all slopes/retaining walls and the natural slope affecting or to be affected by the proposed development during the detailed design stage and, if necessary, the submission of upgrading works/stabilization works to the Buildings Department/Geotechnical Engineering Office;
- (e) to note the comments of the Director-General of Civil Aviation that no part of any structures and equipment used during construction or after the completion of the project for maintenance shall exceed the Airport Height

Restriction limits; and

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department regarding the requirements under the “Technical Memorandum on Effluent Standards” issued under section 21 of the Water Pollution Control Ordinance and the control measures to be taken on the discharge of sewage during construction stage as detailed in paragraph 9.1.6(b) of the paper.”

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/73 Proposed Shop and Services (on Cockloft Floor) for House
Redevelopment in “Village Type Development” Zone, 461 Shek O
Village, Shek O, Hong Kong
(MPC Paper No. A/H18/73)

Presentation and Question Sessions

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

- (a) background to the application;

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

- (b) the proposed shop and services (on Cockloft Floor);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Building Surveyor/Hong Kong East

and Heritage, Buildings Department (CBS/HKE&H, BD) commented that the proposed use contravened the Code of Practice for Fire Safety in Buildings 2011, in that room or storey above the G/F which was only served by one staircase should not be used for any occupancy other than domestic or offices. The proposed use might be acceptable if the Code of Practice could be met;

- (d) during the first three weeks of the statutory publication period, eight public comments were received. Among them, one raised concerns that the proposed use would potentially change the character of Shek O Village and set a precedent for further commercial development in the area. The other seven public comments objected to use or convert the house into commercial use mainly on grounds of adverse hygiene, traffic and environmental impacts on the village. The proposed use was not compatible with the surrounding area and was not suitable at the application site as it was situated in a tightly packed residential area. There were already sufficient places for commercial development;
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment set out in paragraph 10 of the Paper. The proposed shop and services use on the cockloft floor was generally not in conflict with the planning intention of the “Village Type Development” zone and might not be incompatible with the surrounding village houses. However, the application site was situated in a residential neighbourhood away from the bustling commercial core in the area. There was no strong justification for using the cockloft for shop and services, and approval of the application would set an undesirable precedent for similar applications and would lead to proliferation of commercial activities in this local residential neighbourhood. CBS/HKE&H, BD also advised that the proposed floor contravened the Code of Practice for Fire Safety in Buildings 2011. Furthermore, the applicant had not provided any information to address the local concerns on the said adverse impacts that might arise from the proposed use.

21. Members had no question on the application.

Deliberation Session

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

- “ (a) there is no strong justification for the proposed ‘Shop and Services’ use at the cockloft of the application site; and
- (b) approval of the application would set an undesirable precedent for similar applications in the “Village Type Development” zone. The cumulative effect of which would disturb the local residential neighbourhood.”

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

Kowloon District

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K11/210

Proposed Additional Columbarium Niches 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, Kowloon
(MPC Paper No. A/K11/210D)

23. The Secretary reported that Mr K.K. Ling (Chairman) had declared an interest in this item as his relatives’ ashes were stored in Fat Jong Temple. As the applicant had

requested for a deferment of consideration of the application, Members agreed that Mr Ling could continue to chair the meeting.

24. Ms Julia M.K. Lau had also declared an interest in this item as she had current business dealings with Knight Frank Petty Ltd., the consultant of the application. Members noted that Ms Lau had tendered apologies for being unable to attend the meeting.

25. The Secretary said that it was the fifth request for deferment. During the deferment period, the applicant had submitted several batches of further information in response to the comments from the Environmental Protection Department (EPD) and the Transport Department (TD). While EPD had no adverse comments on the applicant's latest submission, more time would be required for the applicant to address TD's latest comments which were received by the applicant on 6.9.2013, including comments that had not been raised previously. The Secretary said that on 11.9.2013 and 12.9.2013, the applicant's representative requested for deferment of a decision on the application for a further two months in order to allow sufficient time to prepare responses and further information to address the further comments raised by TD. As demonstrated in the further information submitted, the applicant had made genuine efforts to address the departmental comments. In view of TD's recent comments, it would be reasonable to allow more time for the applicant to prepare further information to respond.

26. 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 since this was the fifth deferment and a total of ten months had been allowed, no further deferment would be granted by the Committee.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/K18/305 Proposed Temporary School (Kindergarten and Nursery) for a Period of 3 Years in “Residential (Group C) 1” Zone, 22 Kent Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/305)

27. The Secretary reported that CKM Asia Ltd. was one of consultants for this application. The following Members had declared interests in this item :

Professor S.C. Wong - being the Director of the Institute of Transport Studies of the University of Hong Kong and CKM Asia Ltd. had sponsored some activities of the Institute

Professor P.P. Ho - had current business dealings with CKM Asia Ltd.

Ms Julia M.K. Lau - her family members lived in Kowloon Tong district

28. Members noted that Ms Julia M.K. Lau had tendered apologies for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Professor Wong and Professor Ho could stay in the meeting.

29. The Secretary reported that on 23.9.2013, the applicant’s representative requested for deferment of a decision on the application for two months in order to allow time for the applicant to study and address the comments on traffic aspect.

30. 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 7

Any Other Business

31. There being no other business, the meeting closed at 9:55 a.m..