

TOWN PLANNING BOARD

Minutes of 510th Meeting of the Metro Planning Committee held at 9:00 a.m. on 25.4.2014

Present

Director of Planning
Mr K. K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Professor P.P. Ho

Mr Dominic K.K. Lam

Dr Wilton W.T. Fok

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Patrick H.T. Lau

Mr Stephen H. B. Yau

Mr Francis T. K. Ip

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

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

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

Assistant Director (Regional 1), Lands Department
Ms Doris M.Y. Chow

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

Secretary

Absent with Apologies

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Frankie W.C. Yeung

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

Town Planner/Town Planning Board
Mr Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 509th MPC Meeting held on 4.4.2014

[Open Meeting]

1. The draft minutes of the 509th MPC meeting held on 4.4.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H17/2 Application for Amendment to the Approved Shouson Hill & Repulse Bay Outline Zoning Plan No. S/H17/13, to rezone the application site from “Residential (Group C)3” to “Residential (Group C)10” with a building height restriction of 3 storeys in addition to 1 storey of carports and not exceeding 191.56mPD, 3 Deep Water Bay Road, Hong Kong
(MPC Paper No. Y/H17/2)

3. The Secretary reported that Mr H.W. Cheung had declared an interest as he was involved in the approval of the building plans of the previous Lynx Hill development at the subject site which had already been demolished. Members considered that Mr Cheung’s interest was indirect and noted that he had tendered apologies for being unable to attend the meeting.

4. The Secretary further reported that a letter from the registered land owner of 3 Black's Link providing comments on the application had been received on 24.4.2014. As the public comments were received after the first three weeks of the statutory inspection period of the application had ended, according to the Town Planning Ordinance, they should be treated as not having been made.

Presentation and Question Sessions

5. Ms Ginger K. Y. Kiang, District Planning Officer/Hong Kong (DPO/HK), and Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), and the applicant's representatives, Mr Kenneth To and Mr David Fok, were invited to the meeting at this point.

6. The Chairman extended a welcome and explained the procedure of the hearing. Miss Isabel Y. Yiu, STP/HK, was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Miss Yiu presented the application as detailed in the Paper and made the following main points:

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

- (a) the applicant proposed to rezone the application site from "Residential (Group C)3" ("R(C)3") which was subject to a maximum building height of 3 storeys in addition to 1 storey of carports, a maximum plot ratio of 0.75 and a maximum site coverage of 25%, to a new "R(C)10" sub-area to be subject to a maximum building height of 3 storeys in addition to 1 storey of carports and not exceeding 191.56mPD. The maximum plot ratio and site coverage would remain unchanged;

[Mr Dominic K.K. Lam arrived to join the meeting at this point.]

- (b) the application site (the site) was located on a sloping ground with a level difference of about 6m (from about 181mPD in the north to about 175mPD in the south). To the further north of Deep Water Bay Road was the Black's Link development cluster with buildings generally ranging from 3

to 4 storeys in height. The Black's Link development cluster was about 10-16m higher in elevation compared with the areas south of Deep Water Bay Road;

- (c) the site was the subject of a previous section 12A application (No. Y/H17/1) seeking to rezone the site from "R(C)3" to a new sub-area "R(C)10" to be subject to a maximum building height of 3 storeys including carports and not exceeding 187.92mPD. The application was rejected by the Committee on 8.11.2013 for the reasons that the current "R(C)3" zoning with building height restriction of 3 storeys in addition to 1 storey of carports was appropriate and was compatible with the surrounding land uses, and there was no strong planning justification to support the proposed rezoning from "R(C)3" to "R(C)10"; the proposed rezoning with building height restriction of 3 storeys including carports and 187.82mPD would limit the design flexibility of the development/redevelopment on the site; and the approval of the rezoning application would create inconsistency in terms of planning control for other sites in the "R(C)3" zone within the same Special Control Area (SCA);

Applicant's main justifications

- (d) although the previous application was rejected by the Committee on 8.11.2013, a Member said in the meeting that "from public perception, a raised platform design at the subject application site would have visual impact given that the application site was located at a scenic hilly area." In response to the Member's comment, it was proposed in the current application that the building height restriction of "3 storeys in addition to 1 storey of carports" be retained but an additional restriction "not exceeding 191.56mPD" be incorporated on top of the original building height restriction;
- (e) the proposed building height restrictions would represent a proper balance for protecting the scenic view, ensuring compatibility of future development, allowing design flexibility and respecting the planning control of the SCA;

Departmental Comments

- (f) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the current building height restriction was consistent and commensurate with the character of the locality and, together with the restrictions in plot ratio and site coverage, was considered appropriate and effective to preserve the amenity and character of the area. The applicant had yet to provide a strong reason for imposing an additional building height restriction of 191.56mPD;

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

- (g) the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) had no comment under the Buildings Ordinance. Regarding the floor-to-floor height in domestic houses, the maximum heights of 4.5m for ground floor and 3.5m for upper floors were generally accepted under normal circumstances;

Public Comments

- (h) the rezoning application attracted 100 public comments. Among them, 99 commenters supported the rezoning proposal while the other commenter considered that more stringent building height restriction should be imposed on the site. They mainly considered that the existing building height profile of the area should be maintained. The proposed redevelopment under the existing control might have adverse visual impacts and would affect the views from the nearby hiking trails. Furthermore, some of them considered that the main purpose of the additional carport floor was only to raise the overall height of the proposed residential redevelopment;

PlanD's Views

- (i) the Planning Department's (PlanD) views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper, which were summarised as follows:

- (i) it was the general practice of the Town Planning Board (the Board) to impose building height restriction in terms of number of storeys for low-rise, low-density residential zones. For the site, an additional control in terms of mPD was not required as there was no need to preserve any specific or significant public views in the immediate surroundings. The existing building height restriction in terms of number of storeys for the site was considered adequate. There was no strong planning justification to support the proposed rezoning from “R(C)3” to “R(C)10”;
- (ii) apart from the site, eight other “R(C)3” sites within the same SCA were also subject to the same statutory development restrictions. The proposed additional building height restriction in terms of mPD for the site would set a precedent and create inconsistency in terms of planning control for the other sites within the same SCA;
- (iii) the proposed building height restriction in terms of mPD was based on the proposed building height as shown on a set of General Building Plans previously approved by the Building Authority. In terms of implications on design flexibility, there would not be much difference between the proposed building height restriction in the current application and that in the previous application; and
- (iv) apart from statutory planning control, there were other existing control such as the Design, Disposition and Height (DDH) clause under lease and the floor height requirement under the Buildings Ordinance to ensure a reasonable design and to avoid abuse. Notwithstanding the above, to address the Committee’s concern on the undesirable raised platform or stilt structure design of the proposed house redevelopment raised in the previous meeting, the Secretariat of the Board had asked the relevant government departments, including PlanD, Lands Department and Buildings Department, to follow up the relevant issues at the detailed design

stage.

7. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Mr Kenneth To made the following main points:

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

- (a) although the previous rezoning application was rejected by the Committee, the applicant decided to submit a second application as it believed that the existing scenic view would be threatened by the proposed house redevelopment at the site;
- (b) the site was located to the immediate south of Black's Link development cluster. However, the subject SCA covered only the site and the other "R(C)3" zones farther away to the south. The Black's Link development cluster was not included in the SCA. Therefore, in terms of administrative planning control, the site was arbitrarily separated from the Black's Link development cluster;
- (c) in terms of statutory planning control, the site fell within the "R(C)3" zone on the Shouson Hill & Repulse Bay OZP. In comparison, the Black's Link development cluster fell within the "R(C)1" zone on the Peak Area OZP with a plot ratio restriction of 0.5 and a building height restriction of 3 storeys including carports. These restrictions were more stringent compared with those imposed on the site;
- (d) the rationales for imposing building height restriction were more detailed for the Peak Area OZP in general than those for the "R(C)" zone on the OZP. For example, the rationales for imposing building height restrictions on the Peak Area OZP included the preservation of the view to the ridgelines and the preservation of the unique character and the general amenity of the peak area for the enjoyment of the general public. In comparison, it was stated in the Explanatory Statement of the OZP that the

restrictions imposed on the “R(C)” zones on the OZP were only intended “to preserve the existing amenities and characters of the area” and “to preserve significant public views”;

- (e) the design of the previous Lynx Hill development at the site, which had already been demolished, was responsive to the local topography and was in harmony with the Black’s Link development cluster. When considering the previous rezoning application, a Member also appreciated the smart design of the previous Lynx Hill development. The design of the proposed redevelopment might not be as responsive to the surrounding environment as that of the previous Lynx Hill development;
- (f) with regard to the latest situation of the proposed redevelopment, a lease modification to replace the building height restriction of 35 feet with “maximum 3 storeys in addition to 1-storey carports” was agreed by the Lands Department in February 2014. Furthermore, it was recently made known to the applicant that the main roof level of the proposed redevelopment had been increased from 191.56mPD to 191.86mPD based on the latest approved building plans. The proposed redevelopment would therefore be about four metres taller than the Lynx Hill development, which was only 187.82mPD in height;
- (g) the raised platform design was of critical concern to the overall building height of the proposed redevelopment. Within the “R(C)3” zone on the OZP, there were other residential developments with stilting or backfilling approved. Examples were 16 Repulse Bay Road, 79 Deep Water Bay Road and Block 13 of 9 Shouson Hill Road. When considering the previous rezoning application, three Members of the Committee were also concerned that a raised platform design would be adopted for the site;
- (h) depending on whether and how much the platform was raised, four scenarios of the proposed redevelopment could be generated. The height of the main roof of the proposed redevelopment was estimated to range from 187.82mPD to 199.7mPD. In the event that the building height of

the proposed redevelopment was raised to 199.7mPD, adverse visual impacts would be resulted;

- (i) if there was no raised platform, and assuming that the latest practice of the Buildings Department with regard to the floor-to-floor height was adopted, the building height of the proposed redevelopment at the main roof was estimated to be about 191.56mPD. This was considered reasonable and acceptable by the applicant and the commenters who supported the application;
- (j) although PlanD stated that there were existing administrative controls such as the DDH clause to ensure a reasonable design, the public could not participate in the lease modification process. Furthermore, the administrative control might not be as effective as the statutory planning control. For example, the lease did not prohibit stilting but only stated that it was not encouraged. The owner of the site might also claim certain exemptions from the development restrictions as permitted under the lease;
- (k) as for the approval of the general building plans, the Buildings Department only stated that the maximum floor-to-floor heights of 4.5m for ground floor and 3.5m for upper floors were generally accepted “under normal circumstances”. It had not specified what the normal circumstances were. The public would not know how the raised platform would be assessed and whether urban design considerations would serve as a rejection ground by the Buildings Department. Furthermore, the public would be kept in the dark with regard to the latest approved development scheme. Therefore, the OZP was the only effective tool to stop the undesirable raised platform/stilting design;
- (l) in the recommended rejection reason (a), PlanD considered that the current “R(C)3” zoning with a building height restriction of 3 storeys in addition to 1 storey of carports was appropriate and compatible with the surrounding land uses. However, given that the building height of the

proposed redevelopment could range from 187.82mPD to 199.7mPD, it was not sure if the term “appropriate and compatible” could be applied to all the estimated building heights within this range;

- (m) although PlanD considered that there was no strong planning justification to support the proposed rezoning application, it was considered that urban design consideration was already a strong reason. Furthermore, the 99 supporting commenters and other nearby residents and members of the public who were concerned about the building height of the proposed redevelopment should not be ignored;
- (n) since the previous rezoning application was submitted, the owner of the site had been actively liaising with the relevant Government departments regarding the proposed redevelopment. As at February 2014, the lease modification had been executed and the owner of the site had paid a premium of about \$200 million;
- (o) if the building height of the proposed redevelopment at the site was increased, owners of the other residential developments along Black’s Link might also try to rebuild their developments with a higher building height. Consequently, the existing building height profile of the area could not be maintained;
- (p) in the recommended rejection reason (b), PlanD was concerned that the approval of the rezoning application would set a precedent and create inconsistency in terms of planning control for other sites in the “R(C)3” zone within the same SCA. However, it should be noted that the site was very different from the other “R(C)3” zones within the same SCA in terms of elevation, enjoyment of public view and the surrounding development context. The site should be regarded as part of the Black’s Link development cluster and therefore stipulation of the proposed building height restriction would not set a precedent for other “R(C)3” sites within the same SCA; and

- (q) to conclude, only a proper statutory building height restriction could safeguard the scenic environment in the area.

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

Deliberation Session

9. In response to a question from a Member, Ms Doris M.Y. Chow said that a Modification Letter for the subject site was issued on 14.2.2014. The lot was restricted for private residential purpose. The development restrictions were in line with those imposed on the "R(C)3" zone, i.e. a building height of 3 storeys in addition to 1 storey of carports, a site coverage of 25% and a plot ratio of 0.75.

10. The Secretary supplemented that the building height of the proposed redevelopment would be strictly monitored. According to the Buildings Department, in general, the maximum floor-to-floor heights of ground floor and upper floors of a domestic house that would be accepted were 4.5m and 3.5m respectively. There were also internal guidelines within the Government stipulating that stilt structures would be strictly assessed by the relevant departments to avoid unnecessary or excessive developments. PlanD considered that there were already adequate statutory and administrative controls to ensure that the building height of the proposed redevelopment would be compatible with the surrounding environment. Members were invited to consider whether the proposed building height restriction in terms of mPD was necessary and whether it would create inconsistency with regard to the building height control within the SCA.

11. A Member did not support the application and considered that there should be consistency in the imposition of building height restriction within the SCA. However, if there was a very strong likelihood that a raised platform design was to be adopted for the proposed redevelopment, more stringent control for the site might be warranted.

12. The Chairman said that the purpose of the SCA was to protect the existing amenities and character of the area as well as significant public views. The significant public views generally referred to the scenic views one could normally enjoy when travelling along major roads such as Deep Water Bay Road and Repulse Bay Road within the SCA. Therefore, the SCA did not target a specific site. Furthermore, the applicant's representative said that three Members were concerned that a raised platform design would be adopted for the site during the consideration of the previous rezoning application. The Members' views should be read in context. In fact, two of the Members were generally of the view that the proposed redevelopment would not have significant visual impacts and the prevailing administrative controls would be sufficient to ensure that no unjustified platform or stilt structures would be built at the site, while the remaining Member considered that there would be public perception of visual impact.

13. The Vice-Chairman said that there would be inconsistency with regard to the building height control within the SCA if the proposed building height restriction was imposed on the site. He also noted that a set of building plans had already been approved for the site, and the owner of the site could develop the site in accordance with the approved building plans. Moreover, the applicant had not submitted sufficient justifications for the Committee to support the application.

14. After further deliberation, the Committee decided not to agree to the application for the following reasons:

- “(a) the current “R(C)3” zoning with BH restriction of 3 storeys in addition to 1 storey of carports is appropriate and is compatible with the surrounding land uses. There is no strong planning justification to support the proposed rezoning from “R(C)3” to “R(C)10” by imposing an additional control on BH in terms of mPD for the application site; and
- (b) the approval of the rezoning application would set a precedent and create inconsistency in terms of planning control for other sites in the “R(C)3” zone within the same SCA.”

[Ms Michelle M.S. Yuen, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 4

[Open Meeting]

Proposed Amendments to the draft Yau Ma Tei Outline Zoning Plan No. S/K2/21
(MPC Paper No.7/14)

15. With the aid of a PowerPoint presentation, Ms Michelle M.S. Yuen, STP/TWK, presented the proposed amendments to the draft Yau Ma Tei Outline Zoning Plan No. S/K2/21 (the OZP) as detailed in the Paper and covered the following main points :

- (a) the proposed amendments to the OZP concerned a “Government, Institution or Community” (“G/IC”) site (the site) with an area of about 1,270m² at No. 54 Waterloo Road. The Site was currently occupied by the Ward Memorial Methodist Church and the Yang Memorial Methodist Social Service Centre;

The Proposed Amendments

- (b) it was proposed to rezone the site from “G/IC” to “G/IC(2)” and amend the building height restriction (BHR) for the site from 5 storeys to 57mPD;
- (c) a remark was proposed to be included in the Notes for the “G/IC” zone to require the provision of a minimum setback of 3m from the lot boundary abutting Waterloo Road for the new “G/IC(2)” sub-area;
- (d) the Explanatory Statement (ES) was proposed to be revised to take into account the proposed amendments;

Background of the Proposed Amendments

- (e) on 29.10.2010, the OZP, which, among others, incorporated BHRs for various development zones including the “G/IC” zone covering the site, was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of nine representations and 702 comments were received;
- (f) the Methodist Church, Hong Kong (Methodist Church) submitted a representation against, among others, the BHR of 5 storeys imposed for the site. During the hearing of the representations on 13.5.2011, the Board decided not to uphold the Methodist Church’s representation. However, after having noted that the Methodist Church had intended to redevelop the site in order to provide more services to meet the needs of the church and the community, the Board requested PlanD to follow up with the Methodist Church on the redevelopment proposal. Subject to policy support from the concerned bureaux/departments and acceptance of the proposal by the relevant government departments, PlanD would take the initiative to incorporate the development parameters of the proposed redevelopment into the OZP;
- (g) since June 2011, PlanD had held meetings with the Methodist Church to discuss the redevelopment proposal;
- (h) in July 2011, two judicial reviews were lodged against the decisions of the Board not to uphold the representations, with one of them being lodged by the Methodist Church. The hearing date of the Methodist Church’s judicial review had not been fixed yet;

The Site and the Proposed Redevelopment

- (i) the site abutted Waterloo Road and was surrounded by a cluster of low-rise GIC facilities with building heights ranging from 19mPD to 51mPD on the other three sides. Behind this GIC cluster was the King’s Park knoll (above 67mPD) and a low-density residential development (73mPD). Across Waterloo Road were other medium-rise GIC developments, including Kwong Wah Hospital (currently about 49mPD but would be

redeveloped to 92mPD), and the buildings of the Chinese YMCA of Hong Kong to the south-west (currently 63 to 88mPD but would be redeveloped to 89mPD);

- (j) the Methodist Church proposed to redevelop the two existing buildings at the site into a single building to allow for the re-provisioning of the existing church and social welfare facilities with expanded floor areas including a pre-school facility as well as to provide a new hostel for the severely and moderately mentally and physically handicapped and other ancillary facilities. The proposed total gross floor area and building height were about 9,966m² and 57mPD (14 storeys including a level of basement) respectively;
- (k) the redevelopment proposal providing religious and social welfare facilities and ancillary facilities was in line with the planning intention of the “G/IC” zone;

Departmental Comments

- (l) the Home Affairs Bureau had given policy support to the religious facilities for the redevelopment of the church as stipulated in the proposed redevelopment scheme;
- (m) the Labour and Welfare Bureau had no in-principle objection to the provision of welfare services, together with other non-welfare facilities, in the proposed redevelopment on the understanding that the subsequent welfare services and composition would be subject to further assessment by the Social Welfare Department and other relevant government departments in consultation with the non-governmental organisation as well as the outcome of a comprehensive technical feasibility study for the whole redevelopment;
- (n) the Chief Town Planner/Urban Design and Landscape, PlanD considered that the proposed BH of 57mPD was not incompatible with the surrounding environments, given that the BHs of the adjacent GIC developments on the

two sides of Waterloo Road ranged from 18.8 to 88.4mPD. The proposed development would not have a significant visual impact from the viewpoints at Pitt Street and Waterloo Road. The proposed 3m building setback from Waterloo Road would also help minimising the visual impact of the proposed development;

- (o) with regard to air ventilation considerations, an Air Ventilation Assessment (AVA) by Expert Evaluation was undertaken by PlanD's consultant during the review of the Yau Ma Tei OZP in 2010 to provide a qualitative assessment of the wind environment in the area covered by the OZP. It was concluded that the site did not fall within any major breezeways. Given the low to medium-rise developments and the relatively open setting in the area, significant impact of the proposed increase in building height on the local air ventilation would be unlikely. The proposed setback of 3m from the lot boundary abutting Waterloo Road might also benefit the air ventilation along the road;
- (p) the Transport Department had no objection to the provision of 20 car parking spaces and two loading/unloading bays at the site. As the site was well-served by public transport and was in close proximity to the Yau Ma Tei MTR Station, a transport impact assessment for the proposed redevelopment was not required;
- (q) other Government departments consulted had no objection to or no adverse comments on the application; and

Public Consultation

- (r) if the proposed amendments were agreed by the Committee, the draft Yau Ma Tei OZP No. S/K2/21B (to be renumbered to S/K2/22 upon exhibition) and its Notes would be exhibited for public inspection under section 7 of the Ordinance. Members of the public could submit representations on the OZP to the Board during the two-month statutory public inspection period. The Yau Tsim Mong District Council would also be consulted on the proposed amendments during the exhibition period of the draft OZP.

16. A Member asked whether the proposed pre-school facility would be located on the upper floors of the proposed redevelopment. In response, Ms Michelle M.S. Yuen said that the Methodist Church had indicated that a pre-school facility would be provided on the ground floor of the proposed redevelopment. Relevant Government departments consulted had no objection to the proposed location. However, details of the proposed uses on each floor of the proposed redevelopment had not been confirmed yet.

17. The same Member continued to ask why the proposed amendments to the OZP were initiated by PlanD rather than by the Methodist Church through a section 12A application. Ms Michelle M.S. Yuen said that during the hearing of the representations on 13.5.2011, the Board had requested PlanD to take the initiative to incorporate the development parameters of the proposed redevelopment into the OZP if there were policy support from the concerned bureaux/departments and acceptance of the redevelopment proposal by the relevant government departments. PlanD's initiative to amend the OZP was in response to the request of the Board. The Secretary supplemented that, as a general practice, PlanD would take the initiative to amend the OZP for development or redevelopment proposals of GIC facilities involving non-governmental organisations if policy support from the concerned bureaux was granted, the proposals were acceptable to the relevant government departments and no public objection was anticipated. If necessary, PlanD would also assist in undertaking part of the relevant assessments such as AVA to ascertain that the proposed development or redevelopment would not lead to adverse impacts.

18. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Yau Ma Tei OZP No. S/K2/21;
- (b) agree that the proposed amendments to the draft OZP No. S/K2/21 as shown on the draft OZP No. S/K2/21A (to be renumbered as S/K2/22 upon exhibition) were suitable for exhibition for public inspection under section 7 of the Ordinance;
- (c) adopt the revised Explanatory Statement for the draft OZP No. S/K2/21A (to

be renumbered as S/K2/22 upon exhibition) as an expression of the planning intentions and objectives of the Board for various land use zonings on the Plan; and

- (d) agree that the revised Explanatory Statement was suitable for exhibition together with the draft Yau Ma Tei OZP No. S/K2/21A (to be renumbered as S/KC27 upon exhibition).

[The Chairman thanked Ms Michelle M.S. Yuen, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr Frankie W.P. Chou and Mr Patrick H.T. Lau left the meeting at this point.]

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

[Ms Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the Draft Kwai Chung Outline Zoning Plan No. S/KC/26
(MPC Paper No.8/14)

19. With the aid of a PowerPoint presentation, Ms Fannie F.L. Hung, STP/TWK, presented the proposed amendments as detailed in the Paper and covered the following main points :

Current Status of the Kwai Chung Outline Zoning Plan

- (a) on 20.4.2012, the draft Kwai Chung Outline Zoning Plan No. S/KC/26 (the OZP), incorporating amendments mainly to impose building height restrictions (BHRs) for various development zones, to designate non-building areas and building gaps as well as to rezone a number of sites

to reflect their existing uses and planning intentions, was exhibited for public inspection under section 5 of the Ordinance. A total of 13 representations and 1,925 comments were received;

- (b) on 12.10.2012, the Board decided not to uphold seven of the representations. On 26.10.2012, the Board considered the remaining six representations which were related to the BHRs imposed on the Kwai Chung Container Terminals under the “OU” annotated “Container Terminal” zoning. The Board decided to defer consideration of the representations and requested PlanD to liaise with the representers regarding their expansion proposals and to carry out further studies to assess the cumulative impact of their proposals. Further consideration of the representations was tentatively scheduled for mid-2014;
- (c) in early 2013, a judicial review was lodged against the Board’s decision not to uphold a representation in respect of the BHR imposed on a “Comprehensive Development Area” site. It sought an interim stay of the submission of the OZP to CE in C for consideration pending the final determination of the JR proceedings. The date of hearing of the judicial review had yet to be fixed;

Proposed Public Columbarium at Tsing Tsuen Road (Amendment Item A)

- (d) a site at Tsing Tsuen Road (the Tsing Tsuen Road site) was proposed to be rezoned from “Industrial” (“I”) to “Other Specified Uses” (“OU”) annotated “Columbarium”. The site was proposed to be restricted to a maximum building height of 45mPD, a maximum number of niches of 20,000 and a maximum number of memorial plaques of 2,000. A minor relaxation clause for the above restrictions was proposed to be incorporated into the Notes for the “OU(Columbarium)” zone. Any additional niches had to be justified with supporting technical assessments, e.g. Traffic Impact Assessment;

Background

- (e) with a growing and ageing population in Hong Kong, the number of deaths

and the corresponding number of cremations had been rising gradually. The annual average number of deaths and cremations would be around 52,000 and 48,800 respectively in the 20-year period from 2012 to 2031. To meet the demand for public niches, the Government launched a public consultation on review of columbarium policy from July to September 2010;

- (f) the Government had been promoting a district-based columbarium development scheme under which columbarium facilities would be developed in each of the 18 districts throughout Hong Kong. In Kwai Tsing District, the Tsing Tsuen Road site had been identified for public columbarium development;

The site and the proposed columbarium development

- (g) the Tsing Tsuen Road site (about 3.56 hectares) was currently used as a temporary car park. It was located to the northeast of TWCPC. To its northwest across Tsing Tsuen Road was Tsuen Wan Sewage Pumping Station and to the further northwest were residential developments. As it was located next to TWCPC at the fringe of an industrial area and was in close proximity to the Kwai Chung Crematorium and Columbarium, the proposed columbarium development was considered generally compatible with its surrounding developments;
- (h) as proposed by the Food and Environmental Hygiene Department (FEHD), the Tsing Tsuen Road site would accommodate a total gross floor area of about 18,000m², with 14,000m² being proposed for use as a columbarium development and 4,000m² for use as ancillary facilities. The proposed maximum building height was 45mPD (4 semi-sunken storeys). A total of 20,000 niches would be provided at the columbarium. In addition, a Garden of Remembrance with 2,000 memorial plaques would be provided at the site;

The traffic impact assessment

- (i) to assess the traffic impact of the proposal, a traffic impact assessment (TIA)

for the site was conducted in 2012. It concluded that the capacity of the nearby roads could handle the additional traffic generated from the 20,000 niches at the proposed columbarium during the grave-sweeping seasons, subject to the implementation of traffic and transport improvement measures including the provision of special bus services during the grave-sweeping seasons, the provision of a roundabout at the junction of Wing Kei Road and improvement of the access slip road, the provision of a new bus layby at Tsuen Tsing Interchange Slip Road, and the extension of the existing special traffic arrangement to Wing Kei Road to provide a public transport corridor during the grave-sweeping seasons;

Public consultation

- (j) the Food and Health Bureau (FHB) and FEHD consulted the Kwai Tsing District Council (K&T DC) on the proposed columbarium on 10.1.2013. Members of K&T DC generally supported the proposal although some DC members expressed concern on the traffic impact during the Tsing Ming and Chung Yeung Festivals. Some DC members even suggested using the landscaping area as a Garden of Remembrance as well as making use of the sloping area of the site to provide more niches. It was in response to their comments that FHB further proposed to provide a Garden of Remembrance with 2,000 memorial plaques at the site. Subject to a further TIA, there might also be scope for future expansion of the proposed columbarium development;

Departmental consultation

- (k) relevant Government departments consulted had no adverse comment on the proposed amendment. The Hong Kong Police Force had agreed to implement suitable crowd management measures to maintain law and order as well as public safety, especially during the festival periods for the proposed columbarium development. The Director of Environmental Protection commented that a sewerage impact assessment (SIA) was required to ascertain that there would be no unacceptable impact on the public sewerage system;

Rectification of the Zoning Boundary for TWPCPC (Amendment Item B)

- (l) it was proposed to rezone a strip of land between the Tsing Tsuen Road site and the existing TWPCPC from “I” to “OU(Cemetery)” in order to tally with the lot boundary of TWPCPC as well as to reflect the existing cemetery use. The “OU(Cemetery)” zone was subject to a BHR of 2 storeys;

Proposed “Green Belt” Zone for the Slopes abutting Tsuen Wan Road and Tsing Tsuen Road (Amendment Item C)

Amendment Item C1

- (m) a site (about 1.36 hectares) located to the immediate south of the Tsuen Tsing Interchange was proposed to be rezoned from “I” to “Green Belt” (“GB”) to reflect its long-term planning intention as a green buffer area between Tsuen Wan Road/Tsing Tsuen Road and the proposed columbarium development at the Tsing Tsuen Road site;

Amendment Item C2

- (n) it was proposed to rezone two strips of the existing tree planting slopes (about 0.75 hectare) on both sides of Wing Shun Street from “Government, Institution or Community” (“G/IC”) to “GB” in order to reflect the existing use of the slopes and the long-term planning intention as a green belt;

Amendment Item C3

- (o) it was proposed to rezone an existing tree planting slope (about 0.26 hectare) on the eastern side of Wing Shun Street from “OU(Slaughter House)” to “GB” in order to reflect the existing use of the slope and the long-term planning intention as a green belt;

Amendment Item C4

- (p) it was proposed to rezone two pieces of existing tree planting slopes (about 0.41 hectare) on both sides of Wing Shun Street from “OU(Cargo Handling Area)” to “GB” in order to reflect the existing use of the slopes and the long-term planning intention as a green belt;

Proposed Amendment to Reflect Existing Road Alignments (Amendment Item D)

Amendment Item D1

- (q) it was proposed to rezone a portion of Wing Shun Street (about 0.25 hectare) from “G/IC” to an area shown as ‘Road’;

Amendment Item D2

- (r) it was proposed to rezone a portion of Wing Shun Street (about 0.19 hectare) from “OU(Slaughter House)” to an area shown as ‘Road’;

Amendment Item D3

- (s) it was proposed to rezone a portion of Wing Shun Street (about 0.28 hectare) from “OU(Cemetery)” to an area shown as ‘Road’;

Amendment Item D4

- (t) it was proposed to rezone a portion of Wing Shun Street (about 0.93 hectare) from “OU(Cargo Handling Area)” to an area shown as ‘Road’;

Amendment Item D5

- (u) it was proposed to rezone a portion of Wing Shun Street (about 0.26 hectare) from “Open Space” (“O”) to an area shown as ‘Road’;

Proposed Private Columbarium at 2-6 Wing Lap Street (Amendment Item E)

- (v) on 13.12.2013, the Committee considered a s.12A application (No. Y/KC/3) to rezone 2-6 Wing Lap Street, Kwai Chung (the Wing Lap Street site) from “I” to “OU(Columbarium)” for a private columbarium development;
- (w) the Committee decided to partially agree to the application by rezoning the Wing Lap Street site from “I” to “OU(Columbarium)” with ‘Columbarium’ as a Column 2 use. However, the Committee did not agree to the scale of the proposed development and requested PlanD to examine a suitable development option for the site with a view to recommending appropriate development restrictions for further consideration by the Committee;

- (x) on 21.3.2014, after taking into account a study submitted by PlanD, the Committee agreed to impose a maximum BH of 50mPD and a maximum number of niches of 23,000 on the Wing Lap Street site. Minor relaxation of BH might be considered if there were strong justifications, architectural design merits and supporting technical assessments. Moreover, no minor relaxation of the number of niches was allowed taking into account the concerns of K&T DC which had passed a motion objecting to the proposed columbarium development at the Wing Lap Street site;

Proposed Commercial Use at Tai Lin Pai Road (Amendment Item F)

- (y) the site at Tai Lin Pai Road was zoned “G/IC(1)” subject to a maximum BH of 1 storey. It was occupied by a one-storey cooked food hawker bazaar with ancillary refuse collection point and public latrine built in 1975. FEHD indicated that the current occupation rate of the hawker bazaar was low and had no objection to releasing the site for alternative use;
- (z) the site was located across the street from a commercial building falling within an “OU(Business)” zone. Except for the commercial building and some GIC facilities, all surrounding buildings were predominantly for industrial purposes. Buildings to the east of Tai Lin Pai Road falling within the “I” zone were subject to a maximum BH of 120mPD, while buildings to the west of Tai Lin Pai Road falling within “OU(Business)” zone were subject to a maximum BH of 105mPD, except for the commercial building which was subject to a maximum BH of 150mPD;
- (aa) taking into account the “OU(Business)” zone and the commercial building across the street, the site was considered suitable for commercial use so as to provide a synergy effect. It was proposed that the site be rezoned from “G/IC(1)” to “Commercial (3)” (“C(3)”). A BHR of 105mPD was proposed for the “C(3)” sub-area so as to tie in with the “OU(Business)” zone across the street. In line with the plot ratio restriction for the “I”, “OU(Business)” and “C” zones on the OZP, a maximum plot ratio of 9.5 was proposed for the “C(3)” sub-area;

- (bb) the adjoining government facilities including football field and public latrine were set back by about 5m from Tai Lin Pai Road. In order to provide a consistent visual openness along this part of Tai Lin Pai Road and to minimise the visual impact arising from the proposed commercial development, a setback of 5m was proposed for the site to allow the developer to provide landscaping at the street level;
- (cc) the Director of Environmental Protection (DEP) advised that Tai Lin Pai Road was frequented by heavy vehicles and surrounded by industrial buildings with potential chimney emissions. He did not support the inclusion of noise and air sensitive uses such as 'Educational Institution', 'Hospital', 'Public Clinic', 'Religious Institution' and 'Social Welfare Facility' under Column 1 of the proposed "C(3)" sub-area. In view of DEP's comment, a separate set of Notes with the noise and air sensitive uses included in Column 2 of the Notes for the proposed "C(3)" sub-area was proposed;
- (dd) other Government departments had no adverse comment on the proposed rezoning of the Tai Lin Pai Road site;
- (ee) with regard to air ventilation, an Air Ventilation Assessment (AVA) by Expert Evaluation was undertaken by PlanD's consultant for the Kwai Chung area in 2012. According to the AVA report, the site did not fall within any identified breezeways or air paths. As for visual impact, the building bulk of the proposed commercial development would be compatible with the surrounding developments; and

Public Consultation

- (ff) If the proposed amendments were agreed by the Committee, the draft OZP (to be renumbered to S/KC/27 upon exhibition) and its Notes would be exhibited under section 7 of the Town Planning Ordinance. K&T DC would be consulted on the proposed amendments and Members of the public could submit representations on the OZP to the Board during the two-month statutory public inspection period.

20. The Secretary said that as residential use was not compatible with the industrial and business developments surrounding the Tai Lin Pai Road site, 'Flat' use should be deleted from Column 2 of the Notes for the "C(3)" sub-area.

21. A Member asked whether there would be enough "G/IC" sites to serve the Kwai Chung area, given that three existing "G/IC" sites were proposed to be rezoned to other uses under the proposed amendment items C2, D1 and F. Ms Fannie F.L. Hung said that as indicated in Appendix V of the Paper, there were generally enough GIC facilities serving the Kwai Chung area. Although there were shortfalls in the provision of primary schools, clinics and post offices and there was no district police station in the area, the concerned "G/IC" sites were too small to accommodate these GIC facilities and therefore the rezoning of these "G/IC" sites to other uses would have no impact on the overall provision of GIC facilities in the Kwai Chung area.

22. A Member had no objection to the proposed columbarium development under amendment item A but considered that there was scope for the provision of more niches at the Tsing Tsuen Road site. Considering that there would be increasing demand for columbarium niches in the coming years, the provision of only 20,000 niches at the Tsing Tsuen Road site did not seem to represent the optimum use of the site. The Member suggested that the site should be developed in phases and with higher development intensity. To this end, a long-term plan for the site setting out the projected number of niches and how the site should be developed, say, over the next two decades, should be prepared and the relevant development parameters should be incorporated into the OZP.

23. In response, Ms Fannie F.L. Hung said that some K&T DC members had similar views. It was in response to the DC members' comments that FHB further proposed to provide a Garden of Remembrance with 2,000 memorial plaques at the Tsing Tsuen Road site. A part of the site had also been reserved for the future expansion of the columbarium development. However, as the relevant TIA was conducted on the assumption that the Tsing Tsuen Road site would provide 20,000 niches, any further expansion of the proposed columbarium development would require a further TIA. Due to the urgent need to provide columbarium niches to serve the community, FEHD decided to build the 20,000 niche-columbarium, the Garden of Remembrance and other ancillary facilities at this stage.

The scope for future expansion of the proposed columbarium development would be considered after the further TIA and other relevant assessments had been conducted. In this respect, a minor relaxation clause was proposed to be incorporated into the Notes for the “OU(Columbarium)” zone.

24. In response to a question from a Member, the Chairman said that if the future expansion of the columbarium was not regarded as minor, the expansion scheme could not be considered through a planning application under section 16 of the Town Planning Ordinance. Instead, the OZP would need to be amended to reflect the proposed expansion scheme.

25. A Member shared the view that there was scope for further expansion of the proposed columbarium although there could be adverse traffic impact on the surrounding areas. In response to a question from this Member, Ms Fannie F.L. Hung said that the Government had been promoting a district-based columbarium development scheme under which columbarium facilities would be built in each of the 18 districts in Hong Kong. She did not have any information at hand regarding the share of columbarium niches that was going to be built in Kwai Tsing in relation to the total number of columbarium niches planned for the entire territory.

26. In response to a question from the Chairman, Ms Fannie F.L. Hung said that TWCPD which was adjacent to the site provided about 52,000 columbarium niches. The Chairman said that when planning for the proposed expansion scheme, the traffic impacts on the surrounding areas arising from both the proposed columbarium and TWCPD had to be taken into account.

27. The Member who earlier suggested that there was scope for further expansion of the proposed columbarium development said that the development could be built on a part of the Tsing Tsuen Road site so that enough usable space could be reserved for its future expansion. The greenery at the roof of the proposed columbarium should also be in harmony with the surrounding environment.

28. A Member said that FEHD had a lot of experience in estimating the traffic impacts generated by a columbarium. They had to make sure that the scale of the proposed columbarium would be appropriate so that the traffic generated by the columbarium would

not overload the nearby traffic networks. Given that new columbaria tended to attract more grave-sweepers, and as people tended to go grave-sweeping only during the Ching Ming and Chung Yeung Festivals, the traffic impacts caused by the proposed columbarium on the surrounding areas would be especially severe during those periods. It was therefore understandable that FEHD had no plans for a substantial expansion of the proposed columbarium at this stage. Nevertheless, FEHD had already reserved space within the Tsing Tsuen Road site for the future expansion of the proposed columbarium development to meet the demand in the coming years.

29. The Chairman said that pending completion of the relevant feasibility study, FEHD would reserve enough usable space within the Tsing Tsuen Road site to allow for future expansion of the proposed columbarium development. If the future expansion of the columbarium was not regarded as minor, the OZP could be amended to reflect the proposed expansion scheme.

30. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Kwai Chung OZP No. S/KC/26 subject to the deletion of 'Flat' use from Column 2 of the Notes for the proposed "C(3)";
- (b) agree that the proposed amendments to the draft OZP No. S/KC/26 as shown on the draft OZP No. S/KC/26A (to be renumbered as S/KC/27 upon exhibition) were suitable for exhibition for public inspection under section 7 of the Ordinance;
- (c) adopt the revised Explanatory Statement for the draft OZP No. S/KC/26A (to be renumbered as S/KC/27 upon exhibition) as an expression of the planning intentions and objectives of the Board for various land use zonings on the Plan; and
- (d) agree that the revised Explanatory Statement was suitable for exhibition together with the draft Kwai Chung OZP No. S/KC/26A (to be renumbered as S/KC27 upon exhibition).

[The Chairman thanked Ms Fannie F.L. Hung, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/TY/123 Proposed Temporary Concrete Batching Plant for a Period of 3 Years in
 "Industrial" Zone, Tsing Yi Town Lot 98, Tsing Yi, New Territories

(MPC Paper No. A/TY/123)

31. The Secretary reported that the application was submitted by Liway Guide Limited with AECOM Asia Company Limited serving as a consultant. Mr Patrick H.T. Lau, Mr Dominic K.K. Lam, Ms Julia M.K. Lau and Professor P.P. Ho had declared interests in this item as they had current business dealings with AECOM Asia Co. Ltd. Members noted that Mr Patrick H.T. Lau had already left the meeting. As the applicant had requested for deferment of consideration of the application and Mr Lam, Ms Lau and Professor Ho had no involvement in this application, the Committee agreed that they could stay in the meeting.

32. The Committee noted that the applicant requested on 2.4.2014 for deferment of the consideration of the application for not more than two months so as to allow sufficient time for preparation of further information/technical clarifications to address the departmental comments. This was the first deferment request sought by the applicant.

33. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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.

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

Hong Kong District

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/132 Proposed Minor Relaxation of Site Coverage to 27% for permitted Flat Development in “Residential (Group C) 3” Zone, 7 Headland Road, South Bay, Hong Kong

(MPC Paper No. A/H17/132)

34. The Secretary reported that the application was submitted by Valiant Hill Limited with Llewelyn-Davies Hong Kong Limited, AXXA Group Limited and P&T Architects and Engineers Limited serving as consultants. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealing with Llewelyn-Davies Hong Kong Limited. Members noted that Mr Lau had left the meeting.

Presentation and Question Sessions

35. 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 site coverage restriction from 25% to 27% to facilitate a proposed residential development;
- (c) departmental comments – no objection from the concerned government

departments was received;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Southern); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper.

36. Members had no question on the application.

Deliberation Session

37. 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 25.4.2018, 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 provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.”

38. 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) concession 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 concession 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; and

- (b) to note the comments of the Director of Fire Services in paragraph 9.1.5 of the Paper that the arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings 2011.”

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/139 Proposed Eating Place (Restaurant) in “Residential (Group B)” Zone,
Flat L & M, G/F, Tai Chow House, No. 121 Quarry Bay Street, Hong
Kong

(MPC Paper No. A/H21/139)

Presentation and Question Sessions

39. With the aid of a PowerPoint presentation, Ms Irene W.S. Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the eating place (restaurant);

- (c) departmental comments – the Director of Food and Environmental Hygiene (DFEH) commented that the relevant general restaurant licence had been transferred from the previous licensee to the applicant in December 2013. The restaurant in question had been regularly inspected by staff of FEHD. Neither breach of the licensing requirements/conditions relating to the operation and maintenance of the exhaust system of the restaurant nor pest infestation had been observed in the past 12 months. FEHD received one complaint against the restaurant for causing fly infestation in the open space outside Tai Chow House in the past 12 months. Investigation by FEHD staff found the complaint unjustified. The Director of Environmental Protection had no objection to the application and commented that air, noise and water pollution issues of the subject restaurant were controlled under the Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Control Ordinance respectively and there would be technical solutions to the potential environmental problem of the restaurant. The Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD) had no comment on the application. He commented that the surface drainage and manhole as mentioned by a public commenter were within the private lot and were outside his jurisdiction. Notwithstanding the above, DSD had conducted inspection on the drainage maintained by DSD outside the lot boundary and it was found to be in normal working condition. It would carry out preventive maintenance of the stormwater drains in the area to ensure their proper functioning;
- (d) during the first three weeks of the statutory publication period, six public comments objecting to the application were received. They were submitted by the Incorporated Owners of Tai Lung House and the nearby residents. They objected to the application as they considered that the restaurant would lead to adverse impacts on air (cooking fume), noise, hygiene and public law and order. One of the commenters also complained about the odour coming from the surface drainage and the blockage of the manhole at Quarry Bay Street in front of the application

premises; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The planning intention of the “R(B)” zone was primarily for residential developments where commercial uses serving the residential neighbourhood might be permitted on application to the Board. The eating place (restaurant) on the ground floor of Tai Chow House was not incompatible with these surrounding uses. Restaurant patrons could gain access to the premises through its entrance/exit directly at Quarry Bay Street. According to the applicant, the door leading to the internal corridor which was accessible to the other domestic units on the ground floor of Tai Chow House would be used by the restaurant staff only. To minimise any possible nuisance to these domestic units, an approval condition restricting the use of this door by the restaurant staff only was recommended for Members' consideration. As regards the six public comments against the application, it should be noted that the applicant had to comply with all the laws including various pollution control ordinances and the Public Health and Municipal Services Ordinance. The restaurant would also be subject to licensing control by FEHD. DSD would carry out preventive maintenance of the stormwater drains in the area to ensure their proper functioning. As for the commenters' concern on public safety, it should be noted that the Hong Kong Police Force was responsible for keeping law and order. To remind the applicant to comply with the various ordinances and maintain the hygiene of the application premises, relevant advisory clauses had been suggested for Members' consideration.

40. Members had no question on the application.

Deliberation Session

41. A Member did not support the application as the restaurant was not compatible with the surrounding residential developments and the commenters had mentioned that there

were hygiene problems such as rat infestation inside the building. Approval of the application would set a precedent for similar applications for eating places at the subject building and the nearby residential developments.

42. A Member said that in view of the hygiene problems as mentioned by the commenters, a temporary planning permission could be considered so as to monitor the situation.

43. The Vice-Chairman said that according to the applicant, the restaurant had been operating since the 1970s. A planning permission from the Committee was required only because there was a recent transfer of the general restaurant licence from the previous licensee to the applicant. Although no planning permission had been granted for the eating place for the past four decades, the restaurant was not without control. It had to comply with various environmental control ordinances and the relevant licensing requirements. Any breaches of the ordinances or licensing requirements could be dealt with by the relevant authorities accordingly. Members should take this into account when considering whether to approve the application on a temporary basis.

44. A Member supported the application as the restaurant had been operating for many years. The hygiene issues of the restaurant could be dealt with separately by the relevant authorities.

45. A Member supported the granting of a temporary permission considering that the applicant was a new operator of the subject eating place and therefore his track record in maintaining the hygiene of the application premises was unknown.

46. The Chairman said that as Members were concerned about the hygiene of the restaurant, a cautious approach could be taken and Members could consider whether the application should be approved on a temporary basis for a period of three years.

47. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.4.2017 subject to the following conditions :

“(a) except for emergency, the door leading to the internal corridor on G/F of

Tai Chow House shall be restricted for use by restaurant staff only;

- (b) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2014;
- (c) in relation to (b) above, the implementation of fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2015;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) is 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.”

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

- “(a) to note that a temporary planning permission of three years was granted so as to monitor the eating place use;
- (b) to note the comments of DLO/HKE, LandsD in paragraph 8.1.1(b) of the Paper regarding the need for licence under the lease;
- (c) to note the comments of CBS/HKE&H, BD in paragraphs 8.1.2(a) to (c) of the Paper regarding the requirement of building plan submission for building works and compliance with the Buildings Ordinance and Building (Planning) Regulations;
- (d) to note the comments of DEP in paragraph 8.1.3(c) of the Paper regarding compliance with the relevant pollution control ordinances and the recommendations stipulated in EPD guideline “Control of Oily Fume and

Cooking Odour from Restaurants and Food Business”;

- (e) to note the comments of DFEH in paragraph 8.1.6(c) of the Paper regarding compliance with all the licensing requirements and conditions imposed on the food business licence for the restaurant and laws, in particular the Public Health and Municipal Services Ordinance and its subsidiary legislation; and
- (f) to properly maintain the hygiene of the application premises.”

[The Chairman thanked Ms Irene W.S. Lai, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

[Dr Wilton W.T. Fok and Mr Clarence W.C. Leung left the meeting at this point.]

[Miss Jessica K.T. Lee, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H4/93 Proposed Public Utility Installation (Fresh Water Pumping Station) in
“Open Space” Zone, Existing Slope adjacent to and behind Central Fire
Station, Cotton Tree Drive

(MPC Paper No. A/H4/93)

49. The Secretary reported that the application was submitted by the Water Supplies Department with Urbis Limited serving as a consultant. Mr Dominic K.K. Lam had declared an interest in this item as he had current business dealings with Urbis Limited. As Mr Lam had no involvement in this application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

50. With the aid of a PowerPoint presentation, Miss Jessica K.T. Lee, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (fresh water pumping station);
- (c) departmental comments – no objection from the concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one public comment supporting the application was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper.

51. Members had no question on the application.

Deliberation Session

52. 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 25.4.2018, 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 tree preservation (including protection measures for the Old and Valuable Tree) and landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning

Board.”

53. 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 of Planning Department that details of the off-site compensatory tree planting and photos of the existing trees should be provided in the landscape proposal, with enhancement on the graphic quality of the drawings and photomontages;
- (b) to note the comments of the Leisure and Cultural Services Department (LCSD) that approval on permanent alienation of land has to be separately sought from LCSD and the Lands Department;
- (c) to note the comments of the Antiquities and Monuments Office of LCSD that any changes and variations of the mitigation measures recommended in the heritage impact assessment report would need to seek comments from AMO;
- (d) to note the comments of the Head of Geotechnical Engineering Officer, Civil Engineering and Development Department in Appendix III of the Paper;
- (e) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings, which is administered by the Buildings Department; and
- (f) to note the comments of the Director of Electrical and Mechanical Services to find out whether there is any underground cable within or in the vicinity of the application site, carry out divert works and observe the Code of Practice on Working near Electricity Supply Lines.”

[The Chairman thanked Miss Jessica K.T. Lee, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 10
Section 16 Application

[Open Meeting]

A/H3/415 Proposed Minor Relaxation of Building Height Restriction from 160mPD to 165mPD for Permitted Flat Use in “Residential (Group A)” Zone, and an area shown as ‘Road’, Nos. 73-73E, Caine Road, Mid-Levels

(MPC Paper No. A/H3/415B)

54. The Secretary reported that the application was submitted by Sun Crystal Limited, which was related to Henderson Land Development Company Limited (HLD). The following Members had declared interests in this item:

- | | | |
|------------------------|---|---|
| Mr Patrick H.T. Lau |) | |
| |) | having current business dealings with HLD |
| |) | |
| Mr Dominic K.K. Lam |) | |
| Mr Clarence W.C. Leung | - | being Director of an NGO that received a private donation from a family member of the Chairman of HLD |
| Mr Roger K.H. Luk | - | being a member of the Council of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD |
| Professor P.P. Ho | - | being an employee of CUHK which received a donation from a family member of the Chairman of HLD |

55. The Committee noted that Mr Patrick H.T. Lau and Mr Clarence W.C. Leung had

left the meeting. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Dominic K.K. Lam, Mr Roger K.H. Luk and Professor P.P. Ho could stay in the meeting but Mr Dominic K.K. Lam should refrain from participating in the discussion.

56. The Secretary reported that the applicant's representative requested on 16.4.2014 for deferment of the consideration of the application for another two months in order to allow additional time for the applicant to complete the air ventilation assessment, which was currently under preparation, for the proposed development, and to explore the possibility to further enhance the design merits of the development scheme in a holistic manner. This was the third time that the applicant had sought for deferment.

57. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the third deferment of the application, the applicant should be advised that the Committee had allowed a total of six months for preparation of submission of further information. This should be the last deferment and no further deferment would be granted.

Kowloon District

Agenda Item 11

Section 12A Application

[Open Meeting]

Y/K7/9 Application for Amendment to the Approved Ho Man Tin Outline Zoning Plan No. S/K7/22, To rezone the application site from “Open Space” to “Government, Institution or Community (2)”, Chung Hau Street/Oi Sen Path, Ho Man Tin, Kowloon

(MPC Paper No. Y/K7/9)

58. The Secretary reported that the application was submitted by Hong Kong Polytechnic University. Kenneth To & Associates Limited (KTA), ADI Limited, MVA Hong Kong Limited (MVA) and Environ Hong Kong Limited (Environ) were among the consultants. The following Members had declared interests in this item:

- | | | |
|---------------------|---|---|
| Mr Patrick H.T. Lau | - | having current business dealings with MVA and KTA |
| Mr Dominic K.K. Lam | - | having current business dealings with MVA, KTA, ADI and Environ |
| Ms Julia M.K. Lau | - | having current business dealings with Environ and MVA. |

59. The Committee noted that Mr Patrick H.T. Lau had left the meeting. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Dominic K.K. Lam and Ms Julia M.K. Lau could stay in the meeting.

60. The Secretary reported that the applicant’s representative requested on 1.4.2014 for deferment of the consideration of the application to the next meeting (i.e. on 9.5.2014) in order to allow adequate time for Government departments to review the further information submitted in response to Government departments’ comments regarding visual impacts, waterworks reserve, traffic impact, road maintenance, slope safety, landscape and air ventilation. This was the applicant’s first request for deferment.

61. 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 application should be submitted to the Committee for consideration at the next meeting on 9.5.2014. The Committee also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

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

[Professor P.P. Ho left the meeting and Mr Francis T.K. Ip left the meeting temporarily at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/684 Further consideration of Application No. A/K14/684
Proposed Hotel and Commercial Developments (Wholesale Conversion of Two Existing Industrial-Office Buildings) in “Other Specified Uses” annotated “Business” Zone, 51 and 53 Hung To Road (formerly known as 49-53 and 53A Hung To Road), Kwun Tong
(MPC Paper No. A/K14/684D)

62. The Secretary reported that the application was submitted by Cycle Company Limited, Gunnell Properties Limited and New Hung Property Limited. Kenneth To & Associates Limited (KTA) and LLA Consultancy Limited (LLA) were among the consultants. Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had declared interests in this item as they had current business dealings with KTA and LLA. The Committee noted that Mr Lau had left the meeting. As Mr Lam had no involvement in this application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

63. Ms Karen F.Y. Wong, STP/K, said that a replacement page (page 5) of the Paper had been tabled at the meeting for Members’ consideration. With the aid of a Powerpoint presentation, she presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) on 28.2.2013, the applicant submitted the subject application for wholesale conversion of two existing industrial/office buildings at 51 Hung To Road (Paul Y Centre) and 53 Hung To Road (Spectrum Tower) (the site) for commercial and hotel uses respectively. The site fell within an area zoned “Other Specified Uses” annotated “Business” (“OU(B)”) on the approved Kwun Tong (South) OZP No. S/K14S/18;
- (b) upon conversion, Paul Y Centre and Spectrum Tower would both maintain their respective plot ratio of 12 and the building height of 115.033mPD and 94.7mPD, which complied with the development restrictions for the site, i.e. a plot ratio of 12 and a maximum building height of 160mPD (at main roof level);
- (c) the applicant claimed that in order to realise the urban design features, the existing vehicular ingress/egress, internal driveway and parking facilities in the Spectrum Tower would need to be removed. The applicant proposed that all the internal transport facilities for the proposed hotel development at Spectrum Tower were to be located on G/F and 2/F of Paul Y Centre;
- (d) to ensure that the provision of internal transport facilities for the proposed hotel development in the adjacent commercial building could be implemented, the applicant intended to apply for two separate Special Waivers for the conversion of two buildings under the revitalisation policy of the Government. The Lands Department (LandsD) advised that the Special Waiver, if granted, would only be applicable to the individual lot and any provision of internal transport facilities outside the concerned lot could not be imposed in the Special Waiver;
- (e) on 21.6.2013, the Committee considered the application. Members noted that the proposed developments had planning and design merits and would serve as catalysts in phasing out the current industrial use in the area, but were concerned about how the internal transport arrangement could be implemented and maintained for the life-time of the proposed developments, particularly the proposed hotel development;

- (f) after deliberation, the Committee decided to defer a decision on the application pending submission of further information from the applicant to demonstrate that there was an effective mechanism to ensure the long-term provision of the internal transport facilities for the proposed hotel development;

Further information submitted by the applicant

- (g) according to the further information, the Town Planning Ordinance and the general building plan system under the Buildings Ordinance would provide adequate control over the proposed internal transport facilities arrangement. In parallel, the applicant also committed to put the concerned internal transport facilities under the ownership of the proposed hotel/Spectrum Tower. The applicant's proposals were summarised as follows:

Approval Condition to the Planning Permission

- (i) the applicant proposed to impose the following approval condition which set out the requirements for incorporating the proposed internal transport facilities onto the general building plans:

“the design and provision of parking facilities, loading/unloading spaces, lay-bys, vehicular ingress/egress, internal driveway and pedestrian circulation routes for the proposed hotel development to the satisfaction of the Commissioner of Transport or of the Town Planning Board.”

General Building Plan Control and Hotel Licence Application

- (ii) the dedicated internal transport facilities for hotel use, to be agreed by Transport Department under the approval condition, would be marked on building plans for the commercial development at Paul Y Centre. Also, the applicant proposed to demarcate the intended 24-hour accessible hotel licensed area on the building plans which covered not only the internal transport facilities and the two connection points on 2/F physically linking the two developments,

but also the areas from the vehicle entrance at Hung To Road, through the driveway/car parking areas of G/F to 2/F, to the two connections adjoining the hotel lobby;

- (iii) upon obtaining approval of the proposed alteration and addition works on the building plans (A&A BP), an application for hotel licence would be made. The application for a new hotel licence or for the renewal of hotel licence would be assessed with respect to the approved A&A BP. Adequate control on the provision of internal transport facilities for the hotel development could therefore be guaranteed;

Assignment of Ownership of Dedicated Internal Transport Facilities

- (iv) the deed of dedication between both owners of the subject buildings would document their intention on the sales of the dedicated internal transport facilities. Upon obtaining general building plans approval, both owners of the Paul Y Centre and Spectrum Tower could enter into a sale and purchase agreement on the dedicated internal transport facilities for the hotel as demarcated on the approved building plans. Upon completion of the building works, the applicant would complete the sales of the committed hotel parking facilities to the future owner of the hotel at Spectrum Tower in pursuance of the agreed sale and purchase agreement. The future operation management agreement in the form of a Deed of Mutual Covenants (DMC) (or other legal documents having the same effect) would then be signed to provide legal protection on the legitimate right of the future users of the converted hotel at Spectrum Tower to use and access the designated hotel transport facilities at Paul Y Centre;

Temporary Arrangement if Paul Y Centre was Redeveloped

- (v) in the unlikely event that the commercial development at Paul Y Centre was redeveloped before the hotel at Spectrum Tower would cease operation, as an interim arrangement, the setback area of

Spectrum Tower along the existing back lane, which was under the applicant's ownership, could serve as temporary loading/unloading (L/UL) area for the shared use of coach and heavy goods vehicles and taxi lay-by for the hotel. On completion of the redevelopment of Paul Y Centre, the required internal transport facilities for the hotel would be provided in the 'new' Paul Y Centre again until the hotel ceased operation or the Spectrum Tower was redeveloped;

Departmental Comments

- (h) relevant Government departments had been consulted on the applicant's proposals and their views were summarised as follows:
 - (i) the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) had no objection to the application. If the Committee approved the application, the applicant was required to submit the applications for two Special Waivers together with the lease modifications to LandsD to implement the whole scheme covering the two lots. LandsD would complete the processing of the lease modification, if approved, before proceeding to execute the Special Waivers. Appropriate terms and conditions would be considered and imposed in the lease modification/Special Waivers so as to reflect the Committee's intention;
 - (ii) concerning the proposed special arrangement if Paul Y Centre was redeveloped before the proposed hotel would cease operation, DLO/KE, LandsD had reservation on whether the setback area would be sufficient/large enough to accommodate all the car/L/UL spaces as well as the lay-by serving the hotel. However, the detailed terms and conditions for the lease modification and the Special Waivers would be considered and determined at a later stage upon the approval of the scheme by the Board and upon the applicant's applications to LandsD;
 - (iii) the Chief Building Surveyor/Kowloon, Buildings Department

(CBS/K, BD) commented that if the hotel and its facilities were provided in two adjoining buildings on different lots, the application covering the buildings on the lots concerned would be assessed as one site for the purpose of the Buildings Ordinance. The existing buildings and the proposed hotel on the site would be assessed together and should in all respects comply with the Buildings Ordinance. The gross floor area concessions claimed by the applicant would be assessed in accordance with the criteria under the relevant Practice Notes for Authorized Persons/Joint Practice Notes. Under section 16(1)(d) of the Buildings Ordinance, the Building Authority might refuse to give his approval of any plans of building works where the carrying out of the building works shown thereon would contravene any approved or draft plan prepared under the Town Planning Ordinance;

(iv) the Chief Officer (Licensing Authority), Home Affairs Department (HAD) (CO (LA), HAD) commented that it was generally required that the hotel licensed area should be separated from other areas which were not licenced under the Hotel and Guesthouse Accommodation Ordinance (HAGAO) with fire-resisting construction up to the prescribed standard. While the legislative intent of HAGAO was to ensure compliance with the building safety and fire safety standards under the Buildings Ordinance and Fire Services Ordinance, it should be noted that the proposed dedicated internal transport facilities was a planning and transport matter which fell outside the purview of HAGAO. The Office of LA (OLA) was not empowered to take planning and transport matters into consideration and, hence, OLA would not be empowered to refuse any subsequent application for alterations or the provision of internal transport facilities if such alterations did not contravene the Buildings Ordinance and Fire Services Ordinance in regard of building safety and fire safety;

(iv) other relevant Government departments consulted, including

Transport Department, had no objection to or no adverse comments on the application. The Commissioner of Tourism was in support of the application;

Public Comments

- (j) during the statutory public inspection periods, six comments were received. Two of the comments were concerned mainly about the traffic flow/internal transport facilities arrangement. The other comments were in support of the application;

Planning Department's (PlanD) views

- (k) PlanD had no objection to the application based on the assessments made in paragraph 5 of the Paper which were summarised as follows:

- (i) when the Committee considered the subject application on 21.6.2013, Members generally agreed that the proposed developments had planning and design merits, and would serve as catalysts in phasing out the current industrial use in the area. However, the Committee also expressed concern on how to ensure that the proposed internal transport arrangement could be implemented and maintained for the life-time of the proposed development, in particular the proposed hotel. In response, the applicant had proposed a number of implementation and control mechanisms. The assessments on the mechanisms were set out below:

Proposed Planning Approval Condition

- (ii) the approval condition proposed by the applicant was in line with the Committee's established practice and was already recommended to be imposed at the last meeting. The condition was now revised to include control in the interim period as recommended under approval condition (a);

General Building Plan Control

- (iii) should the application be approved by the Committee, the proposed internal transport facilities and 24-hour vehicular and pedestrian access routes for the hotel should be clearly demarcated on the building plans for the adjoining commercial development. If the applicant failed to do so, the proposal under the building plans could not be considered as complying with the approved planning scheme and PlanD could recommend rejection of the building plans under s.16(1)(d) of the Buildings Ordinance. As such, the provision of the internal transport facilities for the proposed hotel could be enforced at the building plan submission stage;

Control through Lease Modification

- (iv) the applicant was required to submit the applications for two Special Waivers together with a lease modification to LandsD to implement the whole scheme covering the two lots. Through lease modification, the requirement on internal transport arrangement between the proposed hotel and commercial developments could be stipulated in the lease;
- (v) If Paul Y Centre was redeveloped before the hotel at Spectrum Tower would cease operation, appropriate terms and conditions could be considered and imposed in the lease modification/Special Waivers so as to reflect the Committee's intention. As the approval condition related to the internal transport facilities arrangement would be in force during the life-time of the proposed hotel, the provision in the interim period could also be controlled by the relevant departments;

Hotel Licence Application

- (vi) CO (LA), HAD advised that his office was not empowered to refuse any subsequent application for alterations or provision of parking/L/UL/lay-by spaces if such alterations did not contravene the Buildings Ordinance and the Fire Services Ordinance in respect of building safety and fire safety. Therefore, hotel licence

application would not be effective to control the provision of internal transport facilities;

Assignment of Ownership of Dedicated Internal Transport Facilities

- (vii) The deed of dedication, sale and purchase agreement and DMC proposed by the applicant with the intention of providing legal protection on the legitimate right of future users of the hotel development to use and access the designated parking/L/UL/lay-by spaces in the proposed commercial development were private agreements, and therefore could not provide an effective means of control; and
- (viii) regarding the public comments on the traffic flow/internal transport facilities arrangement, it should be noted that the Commissioner for Transport had no objection to the application.

64. In response to a question from the Vice-Chairman, the Secretary said that in general, planning permission would lapse once the proposed development was undertaken. However, for the current application, it was recommended that the planning permission and approval condition (a) would not lapse even upon the completion of the proposed hotel development and would continue to have effect as long as the completed development or any part of it was in existence and approval condition (a) was fully complied with. This was to ensure that the approval condition would continue to be effective during the life-time of the proposed development.

Deliberation Session

65. 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 25.4.2018, 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 planning permission and the condition (a) attached thereto for the proposed hotel development should not lapse when the proposed hotel development (53 Hung To Road) was undertaken and should continue to have effect as long as the completed

development or any part of it was in existence and the Condition was fully complied with. The permission was subject to the following conditions :

- “(a) the provision of the vehicular ingress/egress, parking facilities, loading/unloading spaces, lay-bys, and 24-hour vehicular/pedestrian access routes for the proposed hotel development at 53 Hung To Road in the development at 51 Hung To Road, or at other locations during redevelopment of the building at 51 Hung To Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the provision of the building setback, as proposed by the applicant, and the maintenance and management of the building setback to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; 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 Town Planning Board.”

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

- “(a) with regard to approval condition (a) above, to note the Director of Buildings’ comment that if the hotel and its facilities are provided in two adjoining buildings on different lots, the buildings on the two concerned lots will be assessed together as one site. The building plans covering both buildings should demarcate the provision of internal transport facilities and access routes for approval under the Buildings Ordinance;
- (b) with regard to approval condition (a) above, to note the comments of the District Lands Officer/Kowloon East, Lands Department that any provisions of parking/L/UL/lay-by facilities outside the concerned lot are

not appropriate and therefore cannot be imposed in the Special Waivers; and applications for two Special Waivers together with a lease modification should be submitted to LandsD to implement the whole scheme covering two lots;

- (c) the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development or GFA exemption for back-of-house facilities for the hotel 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 concession 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;

- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that (i) the proposed developments are subject to compliance with the criteria under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40; (ii) the area of the hotel should be indicated on the building plans; (iii) the granting of hotel concession under Building (Planning) Regulation (B(P)R) 23A can only be considered at the building plan submission stage; (iv) the existing car parking spaces, driveways and plant room areas, which were not included in GFA calculation for the development, should be included in GFA calculation if they were changed to hotel, F&B, etc, under B(P)R 23(3)(a); (v) the inclusion of the proposed communal landscaped garden on G/F and 2/F and the proposed building setback with roof eave above on G/F should be included in GFA calculation under B(P)R 23(3)(a); (vi) natural lighting and ventilation should be provided to each of the hotel guest rooms; (vii) access and facilities to persons with a disability should be provided in accordance with Design Manual: Barrier Free Access 2008;

and (viii) an Authorized Person should be appointed to submit building plans for approval under the Buildings Ordinance;

- (e) to note the comments of the Commissioner for Transport on the car parking arrangement for the hotel during the redevelopment of the proposed commercial development, i.e. that since redevelopment may take years to complete, the applicant will need to demonstrate that the part of setback area along the back lane owned by the applicant is spacious enough to provide the required internal transport facilities for the proposed hotel. Also, pedestrians may not be able to walk on the footpath of the back lane if it is used as internal transport facilities. As such, the applicant's hotel design should cater for this;
- (f) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department and to submit documentary evidence showing that the Building Authority has granted prior approval for the proposed change in use when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO). The proposed licence area should be physically connected. The fire service installation provisions for the proposed guesthouse and hotel as required by the relevant section of Codes of Practice for Minimum Fire Service Installations and Equipment are not clearly indicated in the submission. The Authorized Persons should be advised to observe the relevant sections of the Code of Practice. The licensing requirements will be formulated after inspections by the Building Safety Unit and Fire Safety Team upon receipt of an application under HAGAO;
- (g) to note the comments of the Director of Environmental Protection that hotel developments are normally provided with central air conditioning system and the applicant/authorized persons should be able to select a proper location for fresh air-intake during design stage to avoid exposing future occupants under unacceptable environmental nuisance/impact;
- (h) to note the comments of the Director of Fire Services that arrangement of

Emergency Vehicular Access (EVA) shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department;

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department, that fresh water from Government mains shall not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority (WA). Consent to use fresh water from the mains for such purposes may be given on concessionary supply basis if an alternative supply is impracticable and evidence to that effect is offered to and accepted by the WA. Such permission will be withdrawn if in the opinion of the WA the supply situation requires it; and
- (j) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department, that the project proponent may consider connecting direct to the Tsun Yip Street box culvert or upgrade the downstream section of the said 450mm diameter stormwater drain.”

[Mr Francis T.K. Ip returned to join the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/697 Proposed Shop and Services in “Other Specified Uses” annotated “Business” Zone, Factory C on Ground Floor, Winner Factory Building, 55 Hung To Road, Kwun Tong, Kowloon

(MPC Paper No. A/K14/697)

Presentation and Question Sessions

67. With the aid of a PowerPoint presentation, Ms. Karen F.Y. Wong, STP/K, 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 – no objection from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, two public comments were received. One of them supported the application, while the other one indicated no strong view on the application but considered that it might be difficult to carry out loading/unloading activities at the narrow pavement near the premises, which might result in traffic congestion; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. As regards the public concern on traffic impact, the Commissioner for Transport had been consulted and had no comment on the application.

68. Members had no question on the application.

Deliberation Session

69. 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 25.4.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of the proposal for 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 Town Planning Board before operation of the use; and

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

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

- “(a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or temporary waiver for the proposed ‘Shop and Services’ use at the premises;
- (b) to note the comments of the Director of Fire Services on the compliance with the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department, and on the observation of the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that the applicant should appoint an Authorized Person to submit building plans for the proposed change of use and/or alterations and additions works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance (BO), including, the provision of adequate means of escape; the separation of the Premises from the remaining portion of the building by fire barriers, and the provision of access & facilities for persons with a disability. For unauthorised building works (UBW) erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary, that the granting of any planning approval should not be construed as an acceptance of any UBW on the application site under BO, and that BA has no powers to give retrospective approval or consent for any UBW. Detailed comments under BO can only be formulated at the building plan submission stage.”

[The Chairman thanked Ms. Karen F.Y. Wong, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting]

A/K14/698 Proposed Hotel in "Other Specified Uses" annotated "Business" Zone,
28A Hung To Road, Kwun Tong, Kowloon

(MPC Paper No. A/K14/698)

71. The Secretary reported that the application was submitted by River Mountain Resources Limited. Kenneth To & Associates Limited (KTA) and MVA Hong Kong Limited were among the consultants. The following Members have declared interests:

- | | | |
|---------------------|---|---|
| Mr Patrick H.T. Lau | - | having current business dealings with MVA and KTA |
| Mr Dominic K.K. Lam | - | having current business dealings with MVA and KTA |
| Ms Julia M.K. Lau | - | having current business dealings with MVA |

72. Members noted that Mr Patrick H.T. Lau had left the meeting. As the applicant had requested for deferment of consideration of the application and Mr Dominic K.K. Lam and Ms Julia M.K. Lau had no involvement in this application, the Committee agreed that they could stay in the meeting.

73. The Secretary reported that the applicant's representative requested on 14.4.2014 for deferment of the consideration of the application for one month so as to allow time for them to examine the technical feasibility of providing setback areas at the site to address the comments of relevant Government departments. This was the first deferment request sought by the applicant.

74. After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The applicant should be advised that the Committee had allowed one month for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 15

Section 16 Application

[Open Meeting]

A/K18/309 Proposed Ancillary Car Park for Religious Institution (for occasional use) in "Open Space" Zone, Diocesan Preparatory School Playground at Chester Road, Kowloon Tong, Kowloon

(MPC Paper No. A/K18/309)

75. The application was submitted by Christ Church, Kowloon Tong. LLA Consultancy Limited was one of the consultants. Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had declared interests in this item as they had current business dealings with LLA. Members noted that Mr Patrick H.T. Lau had left the meeting. As the applicant had requested for deferment of consideration of the application and Mr Dominic K.K. Lam had no involvement in this application, the Committee agreed that he could stay in the meeting.

76. The Committee noted that the applicant's representative requested on 15.4.2014 for deferment of the consideration of the application for one month in order to allow additional time for the applicant to appropriately analyse and respond to the public comments and government departments' comments. This was the first deferment request sought by the applicant.

77. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The applicant should be advised that the Committee had allowed one month for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 16

Any Other Business

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