

**TOWN PLANNING BOARD**

**Minutes of 514th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 27.6.2014**

**Present**

Director of Planning  
Mr K. K. Ling

Chairman

Professor P.P. Ho

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Dominic K.K. Lam

Dr Wilton W.T. Fok

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Sunny L.K. Ho

Mr Patrick H.T. Lau

Mr Stephen H. B. Yau

Mr Frankie W.C. Yeung

Chief Traffic Engineer/Kowloon,  
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  
Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Mr Roger K.H. Luk

Vice-chairman

Mr Francis T. K. Ip

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

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

Town Planner/Town Planning Board  
Mr William W.L. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 513th MPC Meeting held on 13.6.2014

[Open Meeting]

1. The draft minutes of the 513th MPC meeting held on 13.6.2014 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Chairman reported that as agreed in the 1061<sup>st</sup> Town Planning Board (TPB) meeting held on 20.6.2014, Members would not be provided with a hard copy of the minutes confirmed in the last meeting (except the confidential part) as Members should be able to view the confirmed minutes on the TPB website. The Committee agreed to adopt the same practice which would be effective from the next meeting held on 11.7.2014.
3. The Secretary reported that on 23.5.2014, the Committee approved with conditions Application No. A/H3/421 for proposed eating place in “Open Space” zone at G/F, 1-7 Tak Sing Lane, Sai Ying Pun. The minutes were confirmed at the last MPC meeting held on 13.6.2014 and sent to the applicants together with the approval letter on the same day. Subsequently, it was found out that the following statement as suggested in paragraph 12.2 of MPC Paper No. A/H3/421 on the validity of the planning permission had been inadvertently omitted from the minutes:

“The planning permission and the conditions attached thereto (“the Conditions”) for the proposed development shall not lapse when the proposed development is undertaken and shall continue to have effect as long as the completed development or any part of it is in existence and the Conditions are fully complied with.”

4. To rectify, the minutes should be revised as follows:

“80. 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 23.5.2018, 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 conditions attached thereto (“the Conditions”) for the proposed development should not lapse when the proposed development was undertaken and should continue to have effect as long as the completed development or any part of it was in existence and the Conditions were fully complied with.* The permission was subject to the following conditions : ....”

5. The Committee agreed to the proposed amendment to the minutes. The revised minutes and revised approval letter would be sent to the applicants after the meeting.

### **Tsuen Wan and West Kowloon District**

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

### **Agenda Item 3**

[Open Meeting]

Proposed Amendments to the Approved Shek Kip Mei Outline Zoning Plan No. S/K4/27  
(MPC Paper No.13/14)

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6. The Secretary reported that this item involved proposed amendments to the approved Shek Kip Mei Outline Zoning Plan (OZP) for amendment of the building height restrictions for the “Residential (Group A)” (“R(A)”) zones covering the Shek Kip Mei Estate (SKME) Redevelopment Phases 3 and 7 sites. The amendment sites were related to development of public housing by the Hong Kong Housing Authority (HKHA). Another amendment site was for a proposed private residential development north of Yin Ping Road.

The following Members had declared interests in this item:

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| Mr K.K. Ling<br>(Chairman)<br>as the Director of Planning                    | - being a member of the Strategic Planning Committee and the Building Committee of HKHA  |
| Ms Doris M.Y. Chow<br>as the Assistant Director of Lands Department          | - being an alternate member for the Director of Lands who was a member of HKHA   |
| Mr Frankie W.P. Chou<br>as the Assistant Director of Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Ms Julia M.K. Lau  | - being a member of HKHA and its Commercial Properties Committee and Tender Committee  |
| Professor P.P. Ho  | - being a member of the Building Committee of HKHA   |
| Mr Dominic K.K. Lam  | - having current business dealings with HKHA   |
| Mr Wilson W.S. Pang  | - Transport Department (TD) provided traffic assessment in support of the amendment item in relation to the proposed residential site north of Yin Ping Road   |

7. According to the procedure and practice adopted by the Board, as the proposed HKHA project was only the subject of amendment to the OZP proposed by the Planning Department, the Committee agreed that the interests of the Chairman, Ms Doris M.Y. Chow, Mr Frankie W.P. Chou, Ms Julia M.K. Lau, Professor P.P. Ho and Mr Dominic K.K. Lam on this item only needed to be recorded and they could stay in the meeting. The Committee noted that Ms Julia M.K. Lau had not yet arrived at the meeting. As the interest of Mr Wilson W.S. Pang was indirect, the Committee agreed that he could stay in the meeting.

8. With the aid of a PowerPoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the proposed amendments to the approved Shek Kip Mei OZP No. S/K4/27 as

detailed in the Paper and covered the following main points :

- (a) the proposed amendments were related to revision of building height restrictions (BHRs) of two “Residential (Group A)” (“R(A)”) sites covering the SKME Redevelopment Phase 3 (northern portion) and Phase 7 from 30mPD to 55mPD (**Amendment Item A**) and 60 mPD (**Amendment Item B**) respectively, as well as the rezoning of “Green Belt” (“GB”) to “Residential (Group C)13” (“R(C)13”) for private housing development with a maximum gross floor area (GFA) of 58,750m<sup>2</sup> and maximum BHR of 210mPD (**Amendment Item C**);

Amendment Item A – Amendment of BHR for SKME Redevelopment Phases 3 (northern portion) from 30mPD to 55mPD (about 0.23 ha)

Amendment Item B – Amendment of BHR for SKME Redevelopment Phases 7 from 30mPD to 60mPD (about 0.23 ha)

- (b) SKME Redevelopment Phases 3 and 7 fell within an area zoned “R(A)” subject to a maximum domestic and total plot ratio (PR) of 7.5 and 9 respectively, as well as a BHR of 30mPD which was comparable with Mei Ho House (a Grade 2 historic building) and other low-rise Government, institution and community (GIC) facilities nearby so as to complement the function of the green knoll to the west as a visual buffer;
- (c) the amendment sites were bounded by Pak Tin Street, the southern portion of the Phase 3 site, Mei Ho House (about 31mPD), a knoll (about 82mPD) and Lingnan University Alumni Association Primary School (about 34mPD). Across Pak Tin Street was SKME Phase 5 (about 136mPD). The southern portion of the Phase 3 site, not forming part of the proposed amendment site, was reserved for a proposed 2-storey community service centre with retail use which was a Signature Project in Sham Shui Po;
- (d) in line with Government’s policy to increase the public rental housing (PRH) production, HD proposed to erect two housing blocks in Phase 3

(northern portion) and Phase 7 with higher building heights (BH) of up to 55mPD and 60mPD respectively, which would provide 300 more flats than the scheme under the existing BHR of 30mPD (180 flats);

- (e) preliminary findings of the technical assessments undertaken by HD revealed that the proposed redevelopment with the amended BHR would not have significant adverse air ventilation, visual, traffic and environmental impacts. The proposal took into account visual compatibility with Mei Ho House (about 31mPD) and the adjacent green knoll (about 82mPD). According to the air ventilation assessment, the overall ventilation performance was similar under the baseline scheme and the proposed scheme scenarios, and the proposed scheme had also adopted several wind enhancement features. HD would carry out a sewerage impact assessment before the implementation of the redevelopment. Concerned departments had no comments on the proposed amendments from infrastructural point of view;

Amendment Item C – Rezoning of the Site North of Yin Ping Road from “GB” to “R(C)13” for Private Housing Development with a Maximum GFA of 58,750m<sup>2</sup> and a Maximum BHR of 210mPD (about 2.04 ha)

- (f) it was stated in the Policy Address that the Government would continue to review various land uses and rezone sites as appropriate for residential use to meet the housing needs. The Government had taken steps to review the “GB” sites in two stages. The Stage 1 review focused on the “GB” sites which had been devegetated, deserted or formed and did not require extensive tree felling or slope cutting. The Stage 2 review covered the remaining “GB” sites. The following site selection criteria were adopted:
- (i) sites with a minimum area of 0.5 ha and with an overall slope gradient not steeper than 20 degrees;
  - (ii) sites within or near the fringes of new towns/planned New Development Areas or in close proximity to existing settlements;

and

- (iii) sites near or accessible to existing roads (say within 100m from primary/secondary roads);
  
- (g) based on the finding of the “GB” sites review, a “GB” site north of Yin Ping Road was identified as suitable for housing development. The site (about 2.04 ha) was located at Tai Wo Ping which was at the fringe of developed area and close to the existing transport infrastructure. The site comprised mainly vegetated slopes and was accessible from Yin Ping Road. The site together with Dynasty Heights were formerly part of Tai Wo Ping squatters. The site was left vacant after clearance of the squatters in 1987 and became vegetated over the years;
  
- (h) surrounding developments included private residential developments namely Dynasty Heights and Beacon Heights. Further away from the site were Eagle’s Nest, Beacon Hill, the Lion Rock Country Park and Crow’s Nest sloping gradually southwards to Lung Cheung Road;
  
- (i) it was proposed to rezone the site from “GB” to “R(C)13” subject to a maximum GFA of 58,750 m<sup>2</sup> (equivalent to a plot ratio (PR) of 2.88) at the BHR of 210mPD for private residential development which would accommodate about 980 flats (assuming flat size of 60m<sup>2</sup>);
  
- (j) regarding the impacts on the natural environment, most of the existing vegetation at the site was grown after the clearance of the squatters in 1987 and there were no old and valuable trees at the site according to the Register of Old and Valuable Trees. From the Agriculture, Fisheries and Conservation Department (AFCD)’s preliminary observations of aerial photographs and site visits, it was estimated the site had at least 300 trees roughly of about 20 years. They were mainly common native trees. The ecological value of these species was not particularly high. The Lands Department (LandsD) would conduct a pre-land sale tree survey to ascertain the number of trees and those required to be preserved. The



rezoning of the site from “GB” to “R(C)13” would only lead to reduction of 2.04ha (3.4%) of area zoned “GB” in the Shek Kip Mei OZP, as compared with 60.27ha of land zoned “GB” in the OZP;

- (k) TD advised that the proposed development would not create insurmountable traffic problems. Traffic capacities at two major junctions near the site, one at Yin Ping Road and Lung Ping Road and the other at Nam Cheong Street and Cornwall Street, had not yet been saturated at present. For the former junction, the existing traffic flows were about 26% (am) and 11% (pm) of the design flows. For the latter junction, the reserved capacities were 11% (am) and 28% (pm). Both junctions would be able to meet the traffic demand until 2029. Besides, based on an assumed flat number of 980, the proposed development would have insignificant impact on the existing road network, even taking into account the concurrent developments in the area. The current restriction of prohibiting heavy vehicles of 15 tonnes or above to use Lung Ping Road eastbound (starting from the junction of Ying Ping Road and Lung Ping Road) would continuously be in force;
  
- (l) the proposed development would not create significant impacts on air quality, noise and sewage of the surrounding areas. During construction, the developer had to implement mitigation measures to address temporary environmental nuisances to accord with relevant standard practices, guidelines and ordinances;
  
- (m) the site comprised slope and was surrounded by steep slopes. The Geotechnical Engineering Office, Civil Engineering and Development Department advised that the possible landslide mitigation measures and site formation works involved in the proposed development were technically feasible. The site boundary had avoided the adjoining artificial slopes north of Dynasty Heights. Besides, under the Buildings Ordinance (BO), the developer had to assess and design mitigation measures for landslide risks as well as site formation works, and obtain approval from the Buildings Authority before commencement of works to ascertain that they

would meet the current safety standards and would not have adverse impacts on structures in the surrounding areas;

- (n) as the PR of the proposed development did not exceed 5, the Site did not fall within any development categories requiring air ventilation assessments in the Housing, Planning and Lands Bureau and Environment, Transport and Works Bureau Joint Technical Circular No. 01/2006s. With reference to the Expert Evaluation on Air Ventilation Assessment for Shek Kip Mei Area (2010), the site did not lie within the main ventilation corridors in the area, and the proposed development would unlikely obstruct the prevailing annual wind (i.e. from the east and northeast) and summer wind (i.e. from east and south);
- (o) the proposed maximum BH of 210mPD would be comparable with the nearby Dynasty Heights which was subject to a maximum BHR of 194mPD on the OZP. Located at the hillside of Tai Wo Ping with Eagle's Nest and Beacon Hill as backdrop, the proposed development would not cause significant visual impact to the surrounding areas as shown on the photomontages prepared by PlanD;

#### Provision of Open Space and GIC Facilities

- (p) according to the 2011 Population Census, the Sham Shui Po District had a population of about 380,900. Planned population would be about 525,000. There was sufficient existing and planned open space provision in accordance with the Hong Kong Planning Standards and Guidelines. Regarding GIC facilities, except six primary school classrooms, 570 hospital beds and one post office, there was no other deficit in major community facilities in the area. As provision of post office was on premises basis and provision of hospital beds was on a regional basis, there was no need to provide these GIC facilities at the subject sites. The shortfall in primary school classrooms was minor;

- (q) it was estimated that the above proposed amendments could provide a total of about 1,460 flats for a population of about 4,860. With appropriate mitigation measures and improvement/upgrading of the traffic and supporting infrastructures, the proposed amendments for housing developments would not have adverse traffic and infrastructural impacts;

Proposed Amendment to the Notes of the OZP and Proposed Revision to the Explanatory Statement (ES) of the OZP

- (r) the Notes of “R(C)” zone would be amended to include restrictions on maximum GFA and BH under “R(C)13” sub-zone. The ES of the OZP would be revised to reflect the corresponding proposed amendments and the latest planning intention, and to update the general information of the various land use zones where appropriate;

Consultations

- (s) relevant departments consulted had no objection to or no adverse comment on the proposed amendments;
- (t) for Amendment Items A and B, HD consulted the Housing Affairs Committee of the Sham Shui Po District Council (SSPDC) on 10.10.2013 on the SKME Redevelopment Phases 3, 6 and 7 with the proposed increase in building heights. SSPDC agreed with HD’s proposal to seek for amendment of the BHR;
- (u) for Amendment Item C, PlanD consulted the SSPDC on 4.3.2014 on the proposed rezoning of a site (a larger site with an area and GFA of 2.84 ha and 81,792m<sup>2</sup> respectively was proposed at that time) from “GB” for residential use. SSPDC passed a motion requesting the Government to provide more detailed information on the proposal and views of stakeholders to facilitate the SSPDC to consider the case comprehensively. On 15.4.2014, Development Bureau, PlanD and relevant Government departments had meetings with the Incorporated Owners of Beacon Heights,

Owner Committee of Dynasty Heights, Concern Group on Anti-Rezoning of Green Belt of Dynasty Heights and residents of Dynasty Heights. They objected to the proposed rezoning mainly on grounds of lack of consultation with stakeholders, technical assessments not provided, rezoning of “GB” deviated from established planning principles and procedures, as well as adverse impacts on traffic, environmental and slope safety aspects;

- (v) DEVB, PlanD and relevant Government departments on 29.4.2014 and 19.5.2014 consulted the SSPDC again on the proposed rezoning with a reduced site area of 2.04 ha. After discussion, the SSPDC passed two motions mainly to request the Government not to submit the rezoning proposal to the Board before the local concerns were addressed and SSPDC had comprehensively considered the proposal with sufficient details, assessment reports provided and adequate consultation with affected residents completed;

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

- (w) the Government’s responses during the consultation were summarised as follows:
  - (i) *Green Belt*: the proposed rezoning of the “GB” site for residential use was the Government’s strategy to provide land to cater for the pressing housing need in the short term, the site was identified as suitable for housing development according to specified criteria under the review of “GB” zones, including being close to existing settlements, previously occupied by squatter structures and left undeveloped after clearance since 1987;
  - (ii) *Traffic*: TD advised that the existing and planned design capacities of the two major road junctions would be able to cater for the traffic generated from the proposed development and the concurrent developments nearby;

- (iii) *Environment and Landscape*: the existing vegetation at the site was the result of natural regeneration after clearance of the squatters. LandsD would conduct a pre-land sale tree survey to ascertain the number of trees and tree preservation requirement. The site boundary had avoided natural streams as far as practicable. Construction nuisances to the surrounding area would be controlled under established standard practice, guidelines and ordinances;
- (iv) *Slope Safety*: impact on slope safety would be controlled under the BO. Besides, based on the existing engineering technology, the possible landslide mitigation measures and site formation works involved were technically feasible. The site boundary had avoided the adjoining artificial slopes north of Dynasty Heights;
- (v) *Insufficient Information*: the concerned departments advised that the proposed development would not cause insurmountable problems to the surrounding areas (such as traffic, environment, tree preservation, slope safety, air ventilation); and
- (x) SSPDC would be consulted after gazetting of the proposed amendments to the Shek Kip Mei OZP and during the plan exhibition period.

9. Mr Clarence W.C. Leung declared an interest in this item as his mother owned a property at Dynasty Heights. As Mr Leung's interest was direct, the Committee agreed that Mr Clarence W.C. Leung should leave the meeting temporarily for this item.

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

#### Amendment Items A and B

10. In response to a Member's question, Mr Wilson W.S. Chan said that the southern portion of SKME Redevelopment Phase 3 site, which was to the immediate south of Amendment Item A site, was reserved for a proposed 2-storey community service centre as a Signature Project of the Sham Shui Po District with a BHR of 30mPD. In response to the

Member's enquiry on the possibility of further increasing the BHRs of the sites to optimise development potential in view of the nearby high-rise public housing developments, Mr Wilson W.S. Chan said that the proposed BHRs of 55 and 60mPD were considered compatible with the overall height profile of the area and the BH of the schools of about 8 storeys adjacent to the amendment sites. The proposed BHRs had been agreed by HD. HD was planning to apply for relaxation of building height restrictions for redevelopment sites of other phases within SKME to increase public housing supply. In response to the Chairman's question, Mr Wilson W.S. Chan said that the proposed BHs of 55 and 60mPD for the two subject sites could preserve the public view to the hilltop to the northwest, which was about 82mPD in height.

### Amendment Item C

11. Noting that SSPDC opposed PlanD to submit the rezoning proposal to the Committee due to insufficient information submitted to SSPDC for their consideration, a Member asked about the content and level of details of PlanD's submission to SSPDC and whether that submission was different from PlanD's submission to the Committee this time. The Member noted that PlanD's current submission to the Committee contained similar information and level of details as other previous submissions to the Committee on proposed amendments to other OZPs.

12. In response, Mr Wilson W.S. Chan said that PlanD's submission to the SSPDC was the same as the current submission to the Committee, other than the photomontages. He further said that during the consultation, SSPDC Members requested PlanD to provide detailed technical assessments (e.g. traffic impact assessments and environmental impact assessments) with full set of data for their consideration. PlanD had explained to SSPDC several times that concerned departments had assessed the implications of the proposed development and confirmed that no adverse technical impacts (including traffic and environmental aspects) would be created. PlanD had also provided detailed responses to SSPDC's concerns at the SSPDC meetings held on 29.4.2014 and 19.5.2014. To address the concerns of the local residents, the site area and GFA of the amendment site had already been reduced. However, SSPDC requested the Government to withhold submission of the rezoning proposal to the Board pending further discussion to address local concerns and consideration by SSPDC.

13. In response to a Member's question, Mr Wilson W.S. Chan said that from AFCD's preliminary observations of aerial photographs and site visits, it was estimated that the site had about 300 trees, and the ecological value of these tree species was not particularly high. LandsD would conduct a pre-land sale tree survey to ascertain the number of trees and those required to be preserved. Any future tree felling and compensation at the site would be governed by the tree felling clause in the land sale condition of the site, and the future developer would need to submit tree felling and preservation proposal for consideration by concerned departments.

14. Noting that the site was currently covered by vegetation, a Member suggested to adopt a higher greening ratio in the land sale condition of the site. The Chairman requested PlanD to further study this proposal together with LandsD with reference to the result of LandsD's tree survey.

15. A Member said that to facilitate further consultation with SSPDC, it would be better if PlanD could provide some planning gain in this project (e.g. enhancement of ecological value of the site and surrounding areas and provision of hiking trail), so that SSPDC Members might be more sympathetic to the project. The Chairman requested PlanD to explore such possibility in consultation with concerned departments.

16. Noting that the proposed PR of 2.88 of the site was higher than the nearby low-density residential developments (i.e. Beacon Heights with a PR of 2.52 and Dynasty Heights with a PR of 1.55), some Members asked how the proposed PR was formulated. In response, Mr Wilson W.S. Chan said that an indicative scheme was prepared by PlanD, which showed that a GFA of about 58,750 m<sup>2</sup> could be accommodated within the site, having regard to the site context and the proposed maximum BH of 210mPD. The proposed GFA was equivalent to a PR of 2.88 which was within the maximum PR restriction of "R(C)" zones in the Shek Kip Mei OZP (i.e. 3 as in the case of Parc Oasis). It was therefore considered as a suitable development intensity that optimised the potential of the site in increasing housing supply. As requested by the Chairman, Mr Wilson W.S. Chan showed the indicative scheme for the site. The proposed development would be in three platforms at about 130mPD, 140mPD and 155mPD respectively. The BH on the lowest two platforms was around 20 storeys, and the BH on the highest platform was around 15 storeys which was within the proposed BHR of 210mPD.

17. Some Members asked about the criteria for choosing “GB” sites for housing development and delineating the boundary of the rezoning site. The Chairman said that the criteria had been stated in para. 3.6 of the Paper. “GB” sites suitable for rezoning for housing development included those sites with a minimum site area of 0.5 ha and with an overall slope gradient not steeper than 20 degrees; those sites within or near the fringes of new towns/planned New Development Areas or in close proximity to existing settlements; and those sites near or accessible to existing roads (say within 100m from primary/secondary roads).

18. In response to a Member’s question, Mr Wilson W.S. Chan said that the subject site was the only “GB” site on Shek Kip Mei OZP that was proposed to be rezoned for housing development.

19. In response to a Member’s question, Mr Wilson W.S. Chan said that the proposed development would not obstruct public view to the Beacon Hill, as shown in the photomontage on Plan 8e of the Paper.

20. The Chairman said that SSPDC’s concerns should be respected and asked whether SSPDC’s concerns had been formally responded to. In response, Mr Wilson W.S. Chan said that the DEVB had replied to the Chairman of SSPDC on 24.6.2014 responding to SSPDC’s concerns and informing SSPDC that the rezoning proposal would be submitted to the Committee for consideration in June. Also, the SSPDC would be consulted after gazetting of the proposed amendments to the OZP and during the plan exhibition period.

21. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Shek Kip Mei OZP No. S/K4/27 as shown on the draft OZP No. S/K4/27A (to be renumbered as S/K4/28 upon exhibition) and its draft Notes were suitable for exhibition for public inspection under section 5 of the Ordinance; and
- (b) adopt the revised ES for the draft Shek Kip Mei OZP No. S/K4/27A (to be renumbered as S/K4/28 upon exhibition) as an expression of the planning intentions and objectives of the Board for various land use zones on the



Plan and the revised Explanatory Statement would be published together with the draft Plan.

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

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

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

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/413                      Shop and Services (Money Exchange Shop) in "Industrial" Zone, Unit  
B4, Ground Floor, Mai Wah Industrial Building, 1-7 Wah Sing Street,  
Kwai Chung  
(MPC Paper No. A/KC/413)

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

22.            With the aid of a PowerPoint presentation, Ms Fannie F.L. Hung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (money exchange shop);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from the Mai Wah Industrial Building Owners' Concern Group was received objecting to the application mainly on the grounds that use of external wall and the proposed shop and services use breached the Deed of Mutual Covenant of the subject industrial building. No local objection/view was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis based on the assessments made in paragraph 11 of the Paper. In order not to jeopardise the long-term planning intention of industrial use for the application premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended. As the last approval (Application No. A/KC/401) was revoked due to non-compliance with approval condition, a shorter compliance period (i.e. three months) was proposed to monitor the progress of compliance. Regarding the public comment raising concern on the illegal use of external walls, the applicant was advised to seek their own legal advice to resolve the dispute with other owners of the lot under the Deed of Mutual Covenant and Management Agreement.

23. Mr Clarence W.C. Leung declared an interest in this item as he had an office in Kwai Chung but had no direct view of the application site. The Committee agreed that Mr Clarence W.C. Leung's interest was indirect and he could stay in the meeting.

24. In response to the Chairman's question, Ms Fannie F.L. Hung said that the fire service installation (FSI) and equipment required by the approval condition would depend on the location and size of the application premises. Three months should provide adequate time for the applicant to submit fire safety proposals for compliance with the approval condition since the application premises was small in size and according to the applicant, FSIs contractor had been employed.

Deliberation Session

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 27.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire safety proposals, including fire service installation and equipment and a means of escape completely separated from the industrial portion of the subject industrial building within 3 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2014;
- (b) the implementation of fire safety proposals, including fire service installation and equipment and a means of escape completely separated from the industrial portion of the subject industrial building within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2014; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years is given in order to allow the Metro Planning Committee of the TPB to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area in order to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardised;
- (c) to note that shorter compliance periods are granted in order to monitor the

fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Metro Planning Committee of the TPB to any further application;

- (d) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) that legal advice should be sought by the applicant to resolve the dispute with other owners of the lot under the Deed of Mutual Covenant and Management Agreement;
- (e) to note the comments of the DLO/TW&KT, LandsD that if the application is approved by the TPB, the owner should apply to his office for a modification/temporary waiver for shop and services use. The application will be considered by acting in the capacity as landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be approved by LandsD;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the application premises should be separated from the remainder of the building with fire resistance rating of not less than 120 minutes and under the Buildings Ordinance (BO) section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those stipulated in BO section 41; and this planning approval should not be construed as an acceptance of any unauthorised building works at the subject site and the Buildings Department reserves a right for enforcement action under the BO;
- (g) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans and the applicant is reminded to comply with the Code of Practice for Fire Safety in Buildings which is administered by the Building Authority; and

- (h) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations."

[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 5**

#### **Section 16 Application**

[Open Meeting]

A/TY/124                      Proposed Temporary Concrete Batching Plant for a Period of 3 Years in "Other Specified Uses" annotated "Boatyard and Marine-oriented Industrial Uses" Zone, Tsing Yi Town Lots 14 and 15 and Adjoining Government Land, Tam Kon Shan Road, Tsing Yi  
(MPC Paper No. A/TY/124)

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27.            The Secretary reported that AECOM Asia Co. Ltd. was the consultant of the applicant. 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.. As the applicant had requested for deferment of consideration of the application and Mr Patrick H.T. Lau, Mr Dominic K.K. Lam, Ms Julia M.K. Lau and Professor P.P. Ho had no involvement in this application, the Committee agreed that they could stay in the meeting.

28.            The Committee noted that the applicant's agent requested on 13.6.2014 for deferment of the consideration of the application for two months so as to allow sufficient time for preparation and submission of further information and technical clarifications in response to the public and departmental comments received and to allow time for various departments to consider the application. This was the applicant's first request for deferment.

29. 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.

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

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/453                      Proposed Office Development in "Residential (Group E)" Zone, 13-17  
Fu Uk Road, Tsuen Wan (Kwai Chung Town Lot 169)  
(MPC Paper No. A/TW/453B)

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30. The Secretary reported that the application was submitted by Starrylight Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). CKM Asia Ltd., Environ Hong Kong Ltd. and SHK Architects and Engineers Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |   |  |
|---------------------|---|--|
| Mr Patrick H.T. Lau | - | having current business dealings with SHK                            |
| Mr Dominic K.K. Lam | - | having current business dealings with SHK and Environ Hong Kong Ltd. |
| Ms Julia M.K. Lau   | - | having current business dealings with SHK and Environ Hong Kong Ltd. |

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

31. As the interests of Mr Patrick H.T. Lau, Mr Dominic K.K. Lam and Ms Julia M.K. Lau were direct, the Committee agreed that they should leave the meeting temporarily for this item. As Professor P.P. Ho had no direct involvement in this application, the Committee agreed that he could stay in the meeting.

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

### Presentation and Question Sessions

32. With the aid of a PowerPoint presentation, Mr. K. T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office development
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, five public comments were received objecting to the application. Three comments objecting the application were submitted by the Designing Hong Kong Limited on the grounds that the proposed development was not in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone, there was no strong justification given in the submission for a departure from the planning intention, and the proposed development would have impact on the shortfall of land for residential use. The remaining two comments were submitted by a Tsuen Wan District Council member and an individual. The former requested for improvement of traffic situation at Kwok Shui Road and the latter raised objection to the application as the proposal was not in line with the planning intention of the “R(E)” zone and would have

adverse impacts on the nearby residents and environment;

- (e) no local objection/view was received by the District Officer (Tsuen Wan);

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

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper, which were summarised as follows:

- (i) the proposed office development was considered not incompatible with the existing/planned industrial, godown and comprehensive residential developments in the locality. The proposed building height (BH) was also in line with the BH restriction of 120mPD for the “R(E)” zone. Besides, the concerned departments had no objection to/no adverse comments on the application;
- (ii) however, as the “R(E)” zone where the application site fell within was gradually transforming from an industrial area to a residential neighbourhood and the planning intention of the “R(E)” zone was for residential uses, applications for non-residential uses (including office development) should only be supported with very strong justifications. Given the current shortfall in housing land supply, residential sites should be developed for its zoned use unless the site was very conducive to office development or development for office would meet a specific planning objective;
- (iii) the applicant failed to demonstrate that the site was more conducive to office use than residential use:
  - a. regarding the applicant's claim that office was more suitable at the site given the environmental constraints and compatibility with the surrounding industrial uses, the approved application for residential development at the site (Application No.



A/TW/416) already demonstrated that residential development at the site was possible. The applicant failed to demonstrate any insurmountable problem in implementing the approved residential development;

- b. regarding the applicant's claim that office development could comply with the BH restriction of "R(E)" zone and would be better in terms of visual amenity, it should be noted that application No. A/TW/416 was approved before the imposition of the BH restrictions on the OZP. An approval condition on the submission of a revised building design was imposed under Application No. A/TW/416 to minimise the visual impact of the proposed residential development. According to the revised building design scheme submitted for compliance with the said approval condition, the building height of the proposed residential development had been reduced by 16.55m (-9.46%) from 174.9mPD to 158.35mPD. Such revised building design was considered acceptable by PlanD on 29.11.2013;
- c. regarding the applicant's claim of providing employment opportunities by the proposed office development, it should be noted that the planning intention of the "R(E)" zone was for residential use and there was no similar application for office in the immediate vicinity of the site within the "R(E)" zone. Besides, the "Other Specified Uses" annotated "Business" zone at the eastern end of Kwok Shui Road would be able to provide employment opportunities; and
- d. regarding the applicant's claims that the proposed office development could facilitate earlier demolition of the existing concrete batching plant at the site, it should be noted that residential development would also involve demolition of the concrete batching plant. The applicant failed to demonstrate

how an office development would be implemented earlier than a residential development;

- (iv) considering the planning intention of “R(E)” zone for phasing out existing industrial uses through redevelopment (or conversion) for residential use, the proposed office development would result in reduction of sites available for residential developments and the supply of housing land in meeting the pressing housing demand over the territory. Approval of the application would also set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would affect the planning intention of the area for residential use, and would adversely affect the supply of housing land; and
- (v) public comments objecting the application on grounds of being not in line with the planning intention, traffic and environmental aspects were received.

33. Members had no question on the application.

#### Deliberation Session

34. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the application site is located in an area which is intended primarily for phasing out existing industrial uses through redevelopment (or conversion) for residential use. Given the current shortfall in housing land supply, the site should be developed for its zoned use. The proposed office development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory; and

- (b) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would adversely affect the supply of housing land.”

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/TW/455                      Proposed Residential cum Religious Institution Development in  
“Residential (Group E)” Zone, Nos. 1-11 Fu Uk Road, Tsuen Wan (Kwai  
Chung Town Lot 207)  
(MPC Paper No. A/TW/455A)

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35.            The Secretary reported that Townland Consultants Ltd., URS Hong Kong Ltd., MVA Hong Kong Ltd. and AECOM Asia Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |   |
|---------------------|---|
| Mr Patrick H.T. Lau | - having current business dealings with MVA Hong Kong Ltd. and AECOM Asia Ltd.  |
| Mr Dominic K.K. Lam | - having current business dealings with Townland Consultants Ltd., URS Hong Kong Ltd., MVA Hong Kong Ltd. and AECOM Asia Ltd. |
| Ms Julia M.K. Lau   | - having current business dealings with MVA Hong Kong Ltd. and AECOM Asia Ltd.  |
| Professor P.P. Ho   | - having current business dealings with Townland Consultants Ltd. and AECOM Asia Ltd.   |

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

37. The Committee noted that the applicant's representative requested on 4.6.2014 for further deferment of the consideration of the application for another two months so as to allow sufficient time for the applicant to update the relevant assessments in connection with the minor design revisions under study to address various Government departmental comments. This was the applicant's second request for deferment.

38. 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 second deferment of the application, the Committee agreed to advise the applicant that the Board had allowed a total of four months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/457                      Shop and Services in "Other Specified Uses" annotated "Business" Zone,  
Workshop D, Ground Floor, No. 3 Hoi Shing Road, Tsuen Wan  
(MPC Paper No. A/TW/457)

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

39. With the aid of a PowerPoint presentation, Mr K. T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. No time clause on the commencement was proposed as the shop and services use (currently used as a property agency and a design/renovation contractor company) under application was already in existence.

40. Members had no question on the application.

#### Deliberation Session

41. 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 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 in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2014; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the Premises;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that the ‘Shop and Services’ use under application is not permitted under the Leases. The owner(s) should apply to the LandsD for temporary waiver(s). The quoted area cannot be verified at this stage. The applicant will have to demonstrate the area calculation during the temporary waiver application stage. The temporary waiver application will be considered by the LandsD acting in the capacity as landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions including payment of waiver fee and administrative fee and such other terms as considered appropriate by the Government;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that you are advised to notify the Building Authority of the proposed change in use at the application premises in accordance with section 25 of the Buildings Ordinance. Detailed checking will be made when any such notification is received; and
- (d) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the requirements as stipulated in the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department.”

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

**Hong Kong District**

**Agenda Item 9**

**Section 12A Application**

[Open Meeting]

Y/H24/5                      Application for Amendment to the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8 from "Open Space" and "Road" to "Other Specified Uses" annotated "Site Reserved for Commercial, Cultural, Institutional and Recreational Uses", Fenwick Pier, No.1 Lung King Street, Wan Chai  
  
(MPC Paper No. Y/H24/5)

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43.                      The Secretary reported that Townland Consultants Ltd., MVA Hong Kong Ltd. and Urbis Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |  |
|---------------------|--|
| Mr Patrick H.T. Lau | - having current business dealings with MVA Hong Kong Ltd.   |
| Mr Dominic K.K. Lam | - having current business dealings with Townland Consultants Ltd., MVA Hong Kong Ltd. and Urbis Ltd.   |
| Ms Julia M.K. Lau   | - having current business dealings with MVA Hong Kong Ltd. and being a Council member of the Academy of Performing Arts that was adjacent to the application site. |
| Professor P.P. Ho   | - having current business dealings with Townland Consultants Ltd.  |

44.                      The applicant had requested for deferment of consideration of the application. As Mr Dominic K.K. Lam and Professor P.P. Ho had no involvement in this application, the Committee agreed that they could stay in the meeting. The Committee noted that Mr Patrick H.T. Lau had already left the meeting. The Committee also agreed that Ms Julia M.K. Lau could be allowed to stay in the meeting but should refrain from participating in the discussion.

45. The Committee noted that the applicant's representative requested on 12.6.2014 for deferment of the consideration of the application for two months in order to prepare further information to address comments raised by various Government departments and stakeholders. This was the applicant's first request for deferment.

46. 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 three 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 Josephine Lo, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/166                      Temporary Shop and Services (Fast Food Shop) for a Period of Four  
Years and Six Months in "Residential (Group B)" zone, G/F, 14 Tsun  
Yuen Street, Happy Valley  
(MPC Paper No. A/H7/166)

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

47. With the aid of a PowerPoint presentation, Miss Josephine Lo, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;



- (b) the temporary shop and services (fast food shop) for a period of four years and six months;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received. Amongst them, one submitted by a member of the public expressed no objection without stating the reasons and four submitted by a member of the Wan Chai South Area Committee, the Incorporated Owners of the adjacent residential building at 18-20 Tsun Yuen Street, a local resident at Tsun Yuen Street and a member of the public, objected to the application. The major objection grounds were mainly related to the possible adverse impacts on road traffic and blockage of access for emergency vehicles along Tsun Yuen Street (which was currently a one-way single-lane local road); and public safety, hygiene and environmental pollution problems and rodent infestation that could be resulted from the fast food shop;
- (e) no local objection/view was received by the District Officer (Wan Chai);
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of four years and six months based on the assessments as detailed in paragraph 11 of the Paper.

48. Members had no question on the application.

#### Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of four years and six months until 27.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the fire services installations within nine months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2015; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of District Lands Officer/Hong Kong East, Lands Department regarding the need for application for an Offensive Trade Licence for the applied use. There is no guarantee that the licence will be approved, and if approved, the use would be subject to such terms and conditions, including payment of fees, as imposed by the Director of Lands;
- (b) to note the comments of Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department that facilities for persons with a disability and sanitary fitments are required for the proposed fast food shop; all unauthorised building works/structures on site should be removed; granting of the planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance and enforcement action may be taken to effect the removal of all unauthorised works in the future; and detailed checking for compliance with the Buildings Ordinance will be made upon building plan submission stage/licensing stage;
- (c) to note the comments of Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of building plans or referral from licensing authority;
- (d) to note the comments of Director of Food and Environmental Hygiene that any food business conducted inside the premises should be covered by

relevant licence/permit and the compliance of current legislations, licensing requirements and conditions;

- (e) to note the comments of Chief Architect/Central Management Division 2, Architectural Services Department regarding the need to ensure that kitchens located next to the open yard will not pose any environmental impacts such as odour, hygiene and noise nuisance to the domestic use above and the adjacent residential buildings; and
- (f) to properly maintain the hygienic condition of the application premises.”

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

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

### **Kowloon District**

[Mr. Tom Yip, District Planning Officer/ Kowloon (DPO/K) and Ms Karen Wong/Kowloon, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

### **Agenda Item 11**

[Open Meeting]

Proposed Amendments to the Approved Kwun Tong (South) Outline Zoning Plan No. S/K14S/18

(MPC Paper No.14/14)

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51. The Secretary reported that this item involved proposed amendments to the Kwun Tong (South) Outline Zoning Plan (OZP) for a proposed Public Rental Housing (PRH) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

- Mr K.K. Ling (Chairman) as the Director of Planning - being a member of the Strategic Planning Committee and the Building Committee of HKHA
- Ms Doris M.Y. Chow as the Assistant Director of Lands Department - being an alternate member for the Director of Lands who was a member of HKHA
- Mr Frankie W.P. Chou as the Assistant Director of Home Affairs Department - being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA
- Ms Julia M.K. Lau - being a member of HKHA and its Commercial Properties Committee and Tender Committee
- Professor P.P. Ho - being a member of the Building Committee of HKHA
- Mr Dominic K.K. Lam - having current business dealings with HKHA

52. According to the procedure and practice adopted by the Board, as the proposed HKHA project was only the subject of amendment to the OZP proposed by the Planning Department (PlanD), the Committee agreed that the interests of the Chairman, Ms Doris M.Y. Chow, Mr Frankie W.P. Chou, Ms Julia M.K. Lau, Professor P.P. Ho and Mr Dominic K.K. Lam on this item only needed to be recorded and they could stay in the meeting.

53. The Committee noted that four replacement pages of the paper (i.e. page 7 of the paper, page 4 of Attachment III and two pages in Attachment VII), mainly to rectify the population figure, requirement and provision of open space and major community facilities in the planning scheme area, were tabled at the meeting.

54. With the aid of a PowerPoint presentation, Ms Karen F.Y. Wong, STP/K, presented the proposed amendments as detailed in the Paper and covered the following main points :

- (a) the proposed amendments were mainly for the rezoning of a site (1.14 ha) between Hiu Ming Street and Hiu Kwong Street from “Open Space” (“O”) (7,591 m<sup>2</sup>) and “Green Belt” (“GB”) (3,776 m<sup>2</sup>) to “Residential (Group A)” (“R(A)”) for PRH development with stipulation of building height restrictions (BHRs) (**Amendment Item A**);
- (b) the site comprised two platforms within the “O” zones and a slope in between within the “GB” zone. The lower platform (29mPD) was occupied by three tennis courts within the Hiu Ming Street Playground. The upper platform (62mPD to 68mPD) was occupied by a basketball court within the Hiu Kwong Street Recreation Ground and formed part of the landscaped sitting-out area of the Hiu Kwong Street Park Strip. The area in between was a slope with some vegetation;
- (c) the site was within a residential neighborhood in upper Kwun Tong. Surrounding developments included two large PRH estates, namely Sau Mau Ming Estate and Tsui Ping Estate, and a cluster of private residential developments. To the immediate southeast of the site were Hiu Ming Street Playground accommodating a children playground, a basketball court and a football field, as well as Hiu Kwong Street Park Strip. To its south and southeast were six schools and a vocational institution;
- (d) the proposed development would be restricted to a maximum plot ratio (PR) of 7.5 for domestic building and a total PR of 9.0 for composite development as in the “R(A)” zone in the area. A BHR of 150mPD (about 41 storeys) was proposed for the PRH block at the lower platform. A BHR of 80mPD (maximum 3 storeys) was proposed for the car park block at the upper platform. It was estimated that about 1,100 PRH units could be provided with a population of about 3,000 persons. The PRH development would commence upon completion of the relocation of ball

courts, and the whole development was scheduled for completion in 2022;

- (e) the site was currently occupied by three tennis courts, a basketball court and a landscaped sitting-out area. HD proposed to reprovide the affected ball courts at the children playground of Hiu Ming Street Playground and integrate them with the adjoining basketball court. The proposed low-rise block at the upper platform would incorporate a roof garden with children playground which would be integrated and connected with Hiu Kwong Street Park Strip. The enjoyment of the ball courts within the site would not be affected as construction of the proposed PRH block would only commence upon relocation of these ball courts. However, the basketball court at Hiu Ming Street Playground would need to be suspended for use for about two years and the children playground would be replaced with new ball courts;
- (f) HD had conducted a visual appraisal (VA) and an air ventilation appraisal for the proposed development. Local public open spaces and major activity/pedestrian nodes were selected as viewing points for the VA. As shown in the photomontages, the proposed development would not impose significant visual impact on the existing character of the locality. Besides, it was concluded in HD's air ventilation appraisal that the proposed PRH development would not have significant adverse air ventilation impact with disposition of the proposed PRH block aligning with Hiu Ming Street, maintenance of a separation distance with the surrounding high-rise buildings and provision of a proposed sky garden/void at 9/F and 10/F of the PRH block. To further enhance the ventilation performance, the report recommended to provide more voids and permeable structures on ground floor of the PRH block, and to divide the PRH block into two;
- (g) the Director of Agriculture, Fisheries and Conservation (DAFC) had no in-principle objection to the rezoning proposal, and advised that the slope at the site was generally covered with common plant species. There were two semi-mature *Ficus microcarpa* at the fringe of the site. HD had indicated that they would preserve the trees on the slope as far as possible

and that the two concerned mature trees would unlikely be affected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) considered that the proposed rezoning would mean a loss of green buffer and reduce the proper function of the “GB” zone. To address the above concerns, the Planning Brief would set out the requirements for HD to conduct tree survey and preserve mature trees or trees with good landscape value, and to provide greening on the slope to maintain the existing green buffer;

- (h) according to HD, loading/unloading bays would be provided in the proposed PRH block while about 30 car parking spaces would be provided at the proposed low-rise block. A traffic impact assessment (TIA) had been carried out by HD and concluded that all the adjacent road junctions would operate with acceptable reserved capacities. The Commissioner for Transport considered the TIA acceptable in-principle. For pedestrian connectivity, a public walkway system connecting the Public Transport Interchange at Sau Ming Road and the Kwun Tong MTR Station was proposed by the Civil Engineering and Development Department to enhance the pedestrian connectivity;
- (i) the Director of Drainage Services and the Director of Water Supplies confirmed that there were no insurmountable problems on water supplies, drainage and sewerage aspects. The Director of Environmental Protection also had no adverse comments on the proposed PRH development from environmental point of view;

Provision of Open Space and Government, Institution or Community Facilities

- (j) the planning scheme area would have a planned population of 298,200 including about 3,000 population of the proposed PRH development. Taking into account the existing and planned open space provisions in the area and the provision standard in the Hong Kong Planning Standards and Guidelines (HKPSG), there was an overall surplus of 23.02 ha of open

space after the proposed rezoning. Given the significant surplus, the proposed rezoning of the two “O” sites (0.76 ha) would not have adverse impact on the open space provision in the area;

- (k) according to HKPSG, the planned provision for various community facilities in the area was generally sufficient except sports ground/sports complex, post office and primary school classrooms. The Secretary for Education had no comment on the proposed rezoning of the site. The Postmaster General advised that the site was within the serving catchment area of their existing post office network. The deficits in sports ground/complex could be met at the Kwun Tong District as a whole. HD was working with the Director of Social Welfare on the appropriate welfare facility to be incorporated in the proposed PRH development;

Proposed Amendments to the Notes of the OZP and Proposed Revision to the Explanatory Statement (ES) of the OZP

- (l) the major amendment to the Notes of the OZP included the incorporation of a BHR clause in the Notes of the “R(A)” zone. The ES of the OZP would be revised to take into account the proposed amendments, and the general information for various land use zones to reflect the latest status and planning circumstances of the OZP; and

Consultation

- (m) on 18.3.2014, the Kwun Tong District Council (KTDC) was consulted on the proposed rezoning of the site for PRH development. KTDC had no in-principle objection to the proposed development but expressed concern on the capacity of the traffic infrastructure, insufficient community facilities, reprovisioning arrangement of the affected recreational facilities and impacts on the nearby schools and residential developments. Incorporation of more community/social welfare facilities was also requested. Four submissions from nearby schools were received via KTDC. The submissions raised concerns mainly on the traffic impact and



land use compatibility of the proposed residential development. In a local consultation held by HD and PlanD on 13.4.2014, the nearby residents and school expressed their objections to the PRH development mainly on the grounds of traffic and visual impacts of the proposed development, environmental nuisance during its construction period, its close proximity to their school/residential blocks, and the temporary/permanent reprovisioning arrangement of the ball courts. Moreover, HD held a meeting with a Legislative Councilor Member (Hon. WU Chi Wai) on 24.4.2014. Enquiries concerning the proposed PRH development from the Residents of Tsui Ping Estate concerning the Clearance of Playground Project were received by PlanD.

55. In response to a Member's question, Mr Tom C.K. Yip said that one PRH block was proposed at the lower platform of the site. The air ventilation appraisal report conducted by HD suggested that the proposed development would not create adverse air ventilation impact with the current building disposition and design, but to further enhance the ventilation performance, the proposed PRH block might be separated into two blocks. The proposal would be further studied by HD. In response to the Chairman's question, Mr Tom C.K. Yip said that the proposed PRH block would have a continuous building façade of over 100m. Requirement of complying with the Sustainable Building Design Guidelines would be incorporated into the Planning Brief for HD to observe.

56. In response to a Member's question, Mr Tom C.K. Yip said that HD proposed to reprovide the affected three tennis courts and a basketball court at the children playground of Hiu Ming Street Playground, and the affected children playground would be reprovided on a roof top garden on the proposed low-rise block at Hiu Kwong Street, which would be designed to integrate and connect with the adjoining Hiu Kwong Street Park Strip.

57. A Member asked whether consideration had been given to proposing the PRH development at or extending the PRH development to the "O" site (covering Hiu Ming Street Playground) to the immediate southeast of the site since as compared with the currently proposed site, the adjoining "O" site had a larger area with more regular configuration and was nearer to other PRH developments. In response, Mr Tom C.K. Yip said that while optimising development potential of the site, the affected recreational facilities should be

properly reprovisioned with minimum disruption to the enjoyment of these facilities. The current proposal had already struck a balance between these objectives. The Chairman said that the adjoining “O” site was very close to other high-rise developments in the area (e.g. Tsui Ping (North) Estate across Hiu Ming Street), and developing a PRH block at the adjoining “O” site would render the overall environment very congested.

[Ms Julia M.K. Lau left the meeting at this point.]

58. A Member enquired on the car parking provision in the development and the need of having a standalone car park block at the upper platform of the site. In response, Mr Tom C.K. Yip said that the proposed development comprised a residential block with small scale retail uses on the lower platform and a low-rise block accommodating carparking and social welfare facilities on the upper platform. According to the requirements under the HKPSG, about 30 car parking spaces were required in the development. If the car parks were incorporated in the lower floors of the PRH block, a taller building exceeding 150mPD would be resulted, which would be less desirable in view of the BH of the adjacent private housing blocks of about 150mPD.

59. Noting that the PRH block would only be developed at the “O” portions of the site, a Member asked whether the “GB” zoning for the in between area could be retained. In response, Mr Tom C.K. Yip said that the “GB” portion covered a steep slope with sparse vegetation. A landscaped deck, forming part of the proposed PRH development and connecting the upper and lower platforms, would pass through the “GB” portion. For better management of the entire PRH development by HD, the “GB” portion was proposed to be rezoned to “R(A)”. The Planning Brief would set out the requirements for HD to conduct tree survey and preserve mature trees or trees with good landscape value, and to provide greening on the slope upon completion of its stabilisation works so as to maintain the existing green buffer as far as possible.

60. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Kwun Tong (South) OZP No. S/K14S/18 as shown on the draft OZP No. S/K14S/18A (to be renumbered as S/K14S/19 upon exhibition) and its draft Notes were

suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;

- (b) adopt the revised Explanatory Statement (ES) for the draft Kwun Tong (South) OZP No. S/K14S/18A (to be renumbered as S/K14S/19 upon exhibition) as an expression of the planning intention and objectives of the Board for various land use zones on the OZP and the revised ES would be published together with the draft Plan.

[The Chairman thanked Mr. Tom Yip, DPO/K and Ms Karen Wong, STP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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  
(MPC Paper No. A/K18/309A)

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61.                      The Secretary reported that LLA Consultancy Ltd. was the consultant of the applicant. 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 Consultancy Ltd.. Ms. Julia M.K. Lau had declared an interest in this item as her family member owned a property in Kowloon Tong. As Mr Dominic K.K. Lam had no direct involvement in this application, the Committee agreed that he could stay in the meeting. The Committee noted that Mr Patrick H.T. Lau and Ms Julia M.K. Lau had already left the meeting.

Presentation and Question Sessions

62. With the aid of a PowerPoint presentation, Ms. S. H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed ancillary car park for religious institution (for occasional use);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 3,269 public comments were received, with a total of 2,501 supporting, 548 objecting to/making adverse comments on, 217 providing comments on whether the site should be solely used by Diocesan Preparatory School (DPS) and 3 having no comment on the application. Their major views were summarised as follows:
  - (i) commenters supporting the application included a Kowloon City District Council (KCDC) member, DPS, Christ Church Kindergarten (CCKG) and their students/alumni, members/pastors of the Church and the general public. Their main reasons were:
    - a. the Church's use of the playground for car park during Sunday morning had been working well for many decades;
    - b. the occasional car park use on Sundays and evenings did not deprive DPS students of the use of the playground;
    - c. parking was free for all church-goers and Christ Church was not using the playground to generate profit. It was for convenience and for a short duration service for church goers;

- d. there were two churches in the area and the roads in the vicinity were all packed with cars during Sunday church services. The car parking spaces available in the area were not sufficient. The proposed car park could alleviate problem of scarcity in parking spaces in the area;
  - e. the proposed car park provided an orderly parking of church-goers' cars which would otherwise obstruct the narrow lanes of the neighbouring residence and created possible traffic problem, safety risk and environmental threat; and
  - f. the use of the site for an occasional car park greatly increased the convenience of the church attendees, in particular the elderly and disabled. Use of the site as a car park would facilitate them to attend church and was in line with Government's goal for promoting social harmony;
- (ii) some commenters mainly supported the school playground use of the site by DPS;
- (iii) commenters objecting to or having adverse comments on the application included Designing Hong Kong Limited, parents/students/alumni of nearby schools and the general public. Their main reasons were:
- a. the site was on government land and should not be restricted for use by only one party, one organisation or one school. Public land should be for public use e.g. public open space. It was not fair to use public money to subsidise DPS. The site should be opened for shared use by other schools, organisations, residents in the vicinity, public in general and those in need to maximise the use;
  - b. DPS had been in breach of the tenancy agreement for using

the site as car parks. Government should take enforcement action and take back the site from DPS;

- c. the proposed car park use was not in line with the planning intention of the “Open Space” (“O”) zone. An approval of the application would set an undesirable precedent. There was no justification for use as permanent car park when the supply of open space in the area was scarce;
  - d. cars should be parked elsewhere and students’ use of the existing playground should not be affected; and
  - e. the use of the site for car parking purpose would increase the traffic flow in the area, causing adverse impacts on traffic, environment and public safety;
- (iv) some commenters opined that students of Alliance Primary School (APS) nearby had to walk for 10 minutes to the nearby playground for lessons. The site should be opened for shared use fairly by APS. On the contrary, some opined that the site was not big and not good for sharing, and should not be opened for use by others due to security reason;
- (e) no local objection/view was received by the District Officer (Kowloon City);
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper, which were summarised as follows:
- (i) the proposed occasional church car park use on the site was not incompatible with the surrounding government, institution and community, open space and residential uses, and would not have adverse impacts on traffic, landscape and environment of the

surrounding areas. Concerned departments had no adverse comment on the application. The Leisure and Cultural Services Department currently had no programme to develop the site zoned “O” as a public open space. There was surplus public open space provision in the Kowloon Tong area;

- (ii) however, the proposed use of the site as an ancillary car park of a church was considered not in line with the planning intention of the site zoned “O” for public open space use, nor bearing any relationship with the existing playground use for the school. More importantly, the proposed private and exclusive use of the site by the church for car parking purpose had deviated from the planning intention of the “O” zone for utilising the site for public open space purpose serving the needs of local residents as well as the general public. The approval of the application might also pre-empt the future implementation of public open space at the site. The applicant had not provided strong justifications to support using the “O” site for private car park of a church. Given the above context, the proposed car park use by a church at the site was considered not in line with the planning intention of the “O” zone and was not supported from planning point of view; and
- (iii) regarding the large number of supportive public comments, it should be noted that the proposed use was considered not in line with the planning intention of the “O” zone. Besides, there were public comments objecting to the application mainly on grounds of traffic impact as well as adverse impact on open space provision and use of the existing playground. There was grave concern on further granting a particular party the exclusive use of a piece of Government land zoned “O” for a use which was not related to open space use.

63. In response to a Member’s question, the Secretary said that as mentioned in paragraph 8.1.3 (a) of the Paper, the site was under a Government Land Permit K0671 (the

Permit) issued to “The Headmistress of DPS” commenced in 1960 and was running on a yearly basis. Ms S.H. Lam said that according to the Permit, only the Licensee (i.e. DPS) could use the site for playground use.

64. In response to another Member’s question, Ms S.H. Lam said that there were public complaints on the ancillary car park use at the site in 2012 and 2013, and LandsD had already requested the Licensee to terminate such use. Ms Doris M.Y. Chow said that after receiving the public complaints, LandsD had already issued a warning letter to the Licensee. She further said that the Licensee could continue to use the site as its own playground unless the site was required by the Leisure and Cultural Services Department for open space development.

#### Deliberation Session

65. A Member commented that the Government might not be able to enforce and prosecute the unauthorised ancillary car park use at the site even if the planning application was rejected. In response, Ms Doris M.Y. Chow said that the applied ancillary car park for religious institution (for occasional use) was in breach of the condition of the Permit. Should the subject application be approved by the Committee, the applicant would need to apply to the District Lands Office for approval as appropriate to regularise the ancillary car park use, subject to policy support to be given by the relevant policy bureau. Should the subject application be rejected by the Committee, LandsD would undertake the enforcement action.

66. Some Members suggested to turn the site as a public car park or even a multi-storey car park block with playground provided on the roof to address the shortfall in car parking spaces in the vicinity. The Chairman noted the Members’ suggestions and said that the Permit only allowed the use of the site for the playground of the DPS, and modification of the Permit conditions would be required for any change of use at the site. Besides, a multi-storey car park building at this location might not be desirable.

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



- “(a) the proposed development is not in line with the planning intention of the “Open Space” (“O”) zone for public open space development; and
- (b) the approval of the application would set an undesirable precedent for similar applications in the “O” zone, the cumulative effect of which would adversely affect the open space provision of the area.”

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

**Agenda Item 13**

**Any Other Business**

68. There being no other business, the meeting closed at 11:35 a.m..