

TOWN PLANNING BOARD

Minutes of 517th Meeting of the Metro Planning Committee held at 9:00 a.m. on 8.8.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

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

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

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

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

Assistant Director (Regional 2), Lands Department
Mr Edwin W.C. Chan

Deputy Director of Planning/District
Mr. Raymond K.W. Lee

Secretary

Absent with Apologies

Professor P.P. Ho

Mr Francis T.K. Ip

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

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

Agenda Item 1

Confirmation of the Draft Minutes of the 516th MPC Meeting held on 25.7.2014

[Open Meeting]

1. The draft minutes of the 516th MPC meeting held on 25.7.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

- (i) Amendments to Confirmed Minutes of 515th MPC Meeting held on 11.7.2014

[Open Meeting]

2. The Secretary reported that on 11.7.2014, the Committee decided to reject a section 16 application No. A/K2/208. The minutes were confirmed at the meeting on 25.7.2014 and sent to the applicant together with the rejection letter on the same date.

3. Subsequently, a typographical error was found in the rejection reason (b) (paragraph 7 of the minutes). To avoid any confusion, the relevant sentences of the minutes should be revised to read as follows:

“(b) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would ~~aggregate~~ *aggravate* the shortfall in the supply of housing land.”

4. The Committee agreed to the proposed amendment to the minutes. The revised minutes and rejection letter would be sent to the applicant after the meeting.

- (ii) Confidential item

[Closed Meeting]

5. This item was recorded under confidential cover.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K3/561 Proposed Hotel in “Residential (Group A)” Zone, Nos. 11-25 Tai Nan Street, Mong Kok
(MPC Paper No. A/K3/561)

6. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) 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 Arup. As the applicant had requested for deferment of consideration of the application, and Mr Lau and Mr Lam had no involvement in this application, the Committee agreed that they could stay in the meeting.

7. The Committee noted that the applicant requested on 31.7.2014 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant Government departments. This was the applicant’s first request for deferment.

8. 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 Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/745 Proposed Composite Commercial/Residential Development in
“Residential (Group E)2” Zone, 27-29 Tonkin Street, Cheung Sha Wan
(MPC Paper No. A/K5/745A)

Presentation and Question Sessions

9. The Secretary reported that Kenneth To & Associates Ltd. (KTA), MVA Hong Kong Ltd. (MVA), Environ (Hong Kong) Ltd. (Environ) and LWK & Partners Architects Ltd. (LWK) were the consultants of the applicant. The following Members had declared interests in this item:

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

10. As Mr Patrick H.T. Lau, Mr Dominic K.K. Lam, Ms Julia M.K. Lau and Mr Laurence L.J. Li had no involvement in this application, the Committee agreed that they could stay in the meeting.

11. With the aid of a PowerPoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed composite commercial/residential development;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper.

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

12. In response to the Chairman’s question, Mr Philip Y.L. Chum said that the “Residential (Group E)2” (“R(E)2”) zone where the application site fell within was subject to a maximum building height (BH) restriction of 120mPD for sites with an area of 400m² or more under the Cheung Sha Wan Outline Zoning Plan (OZP). The proposed development, with a BH of 120mPD on the site with an area of 2,403m², was in compliance with the BH restriction of “R(E)2” zone on the OZP.

Deliberation Session

13. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.8.2018, 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 of an updated traffic noise impact assessment and the implementation of the noise mitigation measures identified to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the provision of fire service installations and water supplies for fire fighting

to the satisfaction of the Director of Fire Services or of the TPB;

- (c) the submission and implementation of the landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the submitted Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver or a modification of the lease conditions to effect the proposed uses, which if approved, will be subject to the payment of premium and fees and imposition of other relevant clauses as appropriate;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department under the Buildings Ordinance (BO), in particular:
 - (i) the redevelopment proposal shall in all aspects comply with the BO and its allied regulations;
 - (ii) Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 on Building Design to Foster a Quality and Sustainable Built Environment and PNAP APP-152 on Sustainable Building Design Guidelines are applicable to the proposed development on the subject site;
 - (iii) PNAP APP-2 spells out the criteria on the application of Building (Planning) Regulation (B(P)R) 23(3)(b) in respect of carparking spaces and associated facilities. 100% GFA concession may be granted for underground private car parks while only 50% GFA concession may be granted for aboveground private car parks;

- (iv) provision of access and facilities for persons with a disability shall comply with B(P)R72;
- (v) adequate means of access should be provided to the subject premises in accordance with B(P)Rs 41A, 41B and 41D and the Code of Practice for Fire Safety in Buildings 2011 (FS Code). For example, not less than one-fourth of the total length of all the perimeter walls of the building should be served by emergency vehicular access and firemen's lift should be provided in accordance with Section 4 of the FS Code;
- (vi) adequate means of escape should be provided to the subject premises in accordance with B(P)R 41(1) and the FS Code. For example, sufficient exits and staircases interchange should be provided on all floors in accordance with Clauses B8.1 and B8.2 of the FS Code respectively;
- (vii) adequate fire resisting construction should be provided to the subject premises in accordance with Building (Construction) Regulation 90 and the FS Code;
- (viii) provision of lighting and ventilation requirements for all domestic flats shall be in compliance with B(P)Rs 30 and 31;
- (ix) provision of an open space for domestic building shall be in compliance with B(P)R 25;
- (x) the storey height of G/F (6m) appears to be excessive. He reserves his position under B(P)R23(3)(a);
- (xi) the granting of GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and services, etc. is subject to compliance with the relevant acceptance criteria, detailed requirements, pre-requisites, overall cap which is set

out at 10% of the total GFA of the respective domestic part or non-domestic part of the development, etc. as set out in the prevailing Joint Practice Notes and PNAPs, including PNAP APP-151 and PNAP APP-152;

- (xii) an Authorized Person should be appointed to coordinate all building works in accordance with the BO; and
 - (xiii) detailed comments under the BO can only be provided at the building plan submission stage;
- (c) to note the comments of the Commissioner for Transport that he has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions on all local roads to cope with the changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the proposed development;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access shall comply with Section 6, Part D of the FS Code which is administered by the Buildings Department; and
- (e) to note the comments of the Director of Electrical and Mechanical Services regarding the possible impacts on the underground electrical cable. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/755 Proposed Hotel in “Residential (Group A) 7” Zone, 115-125 Castle Peak Road, Sham Shui Po
(MPC Paper No. A/K5/755)

Presentation and Question Sessions

15. With the aid of a PowerPoint presentation, Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) objected to the application as the applicant had not submitted Traffic Impact Assessment (TIA) to demonstrate that the proposed hotel development would not have any adverse traffic impacts;
- (d) during the first three weeks of the statutory publication period, 50 public comments were received, amongst which 45 objected to the application while 5 supported the application. One opposing comment was from Designing Hong Kong Limited (DHK) and the remaining 44 were from private individuals. Their major grounds of objection included housing shortage problem, deviation from the planning intention of the “Residential (Group A)” (“R(A)”) zone, traffic impacts particularly those on the nearby Precious Blood Hospital, environmental concern, public order, potential nuisance to local residents, rising rental and products prices, survival of local characteristics and shops and site’s suitability. DHK considered that the site should serve as housing supply and the proposed hotel would bring about adverse impact on the traffic in the district. The five supporting

comments from private individuals expressing that the proposed hotel development could increase supply of hotel rooms and therefore had a positive impact on the high rates in the existing hotels. No local objection/view was received by the District Officer (Sham Shui Po); and

(e) the Planning Department (PlanD)'s views – PlanD did not support the application based on assessments made in paragraph 10 of the Paper and were summarised as follows:

(i) the site was located within a predominant residential neighbourhood with commercial uses on lower levels of the residential buildings. Whilst the proposed hotel development was considered not incompatible with the surrounding developments in land use term, the prevailing shortage of land for housing development should be an important factor in considering the application;

(ii) in view of the current acute shortage of housing land, sites planned for residential use should generally be retained for residential development, except where the site was conducive for hotel development or the hotel development was to meet a specific planning objective. Considering that the site was currently occupied by four vacant residential buildings and zoned “R(A)7”, which was intended primarily for high-density residential development, the proposed hotel 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. The applicant failed to provide strong justification to demonstrate that the site was very conducive for hotel development or the proposed development would meet a specific planning objective. The cumulative effect of approving such application would aggravate the shortfall in the supply of housing land;

- (iii) from the traffic perspective, C for T objected to the application as the applicant had not submitted a TIA to demonstrate that the proposed hotel development would not have adverse traffic impacts on the surrounding areas; and
- (iv) there were 45 public comments objecting to the proposed hotel development mainly on the grounds as mentioned in para. 15(d) above.

[Ms Bonnie J.Y. Chan arrived to join the meeting at this point.]

16. In response to a Member's question, Mr W.B. Lee, Assistant Commissioner for Transport (Urban), said that the traffic impact generated by the proposed hotel development depended on the scale of the proposed hotel and the traffic conditions in the vicinity. Noting that the proposed hotel would provide 252 hotel rooms which would generate a considerable amount of traffic to the vicinity of the site where the traffic condition was already busy, C for T considered that the applicant should conduct the Traffic Impact Assessment (TIA) to demonstrate that the proposed hotel development would not have adverse traffic impacts. If the applicant could submit the TIA and demonstrate no adverse traffic impacts, C for T could consider raising no objection to the application. The applicant however did not submit any TIA despite C for T's request. The same Member asked whether the traffic generated by a hotel was more than that of a residential development. In response, Mr W.B. Lee confirmed that the traffic generated by a hotel of 252 rooms would be more than a residential development. Mr Philip Y.L. Chum said that although the applicant would provide taxi and coach lay-bys within the development, TIA was considered necessary by C for T given the large number of hotel room to be provided.

Deliberation Session

17. A Member said that the site located at the road junction might not be unsuitable for hotel use and the proposed hotel might not be incompatible with the surrounding land uses. Redevelopment of the site for hotel use would not have significant impact on the housing supply since the current tenement building was only of 4 storeys providing limited number of flats and redevelopment of the site for residential use would unlikely happen in

near future. Another Member said that sites under residential zonings could still be considered for other uses. Given the keen demand for hotel/guesthouse use in Hong Kong, redevelopment of residential sites for hotel uses could ease the demand and might facilitate the conversion of guesthouses within existing residential buildings back to residential uses. In response, the Chairman said that it was not the intention of the Committee to reject all hotel developments within residential zonings. As mentioned in paragraph 10.2 of the Paper, in view of the current acute shortage of housing land, the Committee's practice in recent years was to generally retain sites planned for residential use for residential development, except where the site was conducive for hotel development or the hotel development was to meet a specific planning objective. The proposed hotel development at the site did not appear to satisfy the above criterion.

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

- “(a) the application site is located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel 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;
- (b) the submission fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.”

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/TWW/109 Proposed Residential Institution (Affordable Rental Housing) in
 “Residential (Group C) 4” Zone, Ex-Kowloon Textile Family Dormitory
 at Government Land in D.D. 390, Sham Tseng

 (MPC Paper No. A/TWW/109)

19. The Secretary reported that Light Be (Sham Tseng Social Housing) Co. Ltd. was the applicant and LWK & Partners (HK) Ltd. (LWK) was the consultant. Mr Laurence L.J. Li had declared an interest in this item as he was the chairman of Light Be (Social Realty) Co. Ltd. and had current business dealings with LWK. Mr H.W. Cheung had also declared an interest in this item as he had offered professional advice to the applicant in his personal capacity. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Li and Mr Cheung could stay in the meeting but should refrain from participating in the discussion.

20. The Committee noted that the applicant requested on 25.7.2014 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. This was the applicant’s first request for deferment.

21. 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.

Hong Kong District

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H10/88 Proposed Educational Institution in “Other Specified Uses” annotated
“Cyber-Port” Zone, Level 6 of Cyberport 2 and Units 601-604 of
Cyberport 3, 100 Cyberport Road, Pok Fu Lam
(MPC Paper No. A/H10/88)

22. The Secretary reported that Mr Roger K.H. Luk had declared an interest in this item as he was a member of Hong Kong Council for Accreditation of Academics and Vocational Qualification which had participated in institutional evaluation and programme validation of the proposed educational institution. Dr Wilton W.T. Fok had also declared an interest in this item as his company started up at Cyberport by joining the Incubation Programme of Cyberport. Mr Edwin W.C. Chan, Assistant Director (Regional 2), Lands Department had also declared an interest in this item as the Cyberport was managed by Hong Kong Cyberport Management Company Limited which was wholly owned by the Hong Kong SAR Government. As the interests of Mr Luk, Dr Fok and Mr Chan were indirect, the Committee agreed that they could stay in the meeting.

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

Presentation and Question Sessions

23. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed educational institution;
- (c) departmental comments – departmental comments were set out in paragraph 7 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, two public comments were received from the Hong Kong Cyberport Management Co. Ltd. and the ISF Academy Ltd.. The former supported the application and stated that the proposed conversion of part of office space into educational institution use would not have any adverse impact to the Cyberport environment and the neighbourhood. The latter, which was located opposite to Cyberport office towers, had no objection to the application. No local objection/view 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 set out in paragraph 9 of the Paper. While the proposed educational institution might not be directly in line with the planning intention of the subject zoning to establish a cluster of creative information service business, the applicant had indicated that the application premises served to be a temporary campus pending completion of the permanent campus at Mount Davis by 2018. The proposed educational institution was not incompatible with other commercial and residential uses within the Cyberport. Concerned bureaux/departments supported the proposed temporary campus at the application premises. As such, a temporary approval for a period of 5 years, up to 8.8.2019, was recommended in order not to affect the development of creative information service business at Cyberport, whilst speeding up the implementation of the campus development for the University of Chicago Booth School of Business. The two public comments received did not indicate objection to the application.

24. Members had no question on the application.

Deliberation Session

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 8.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) a shorter approval period is granted in order not to affect the implementation of creative information service business;
- (b) to note the comments of the District Lands Officer/Hong Kong West & South, Lands Department regarding the lease modification as stated in paragraph 7.1.3 of the Paper;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department regarding the compliance with the licensing requirements/comments to be issued by the Buildings Department via the Secretary for Education as stated in paragraph 7.1.4 of the Paper;
- (d) to note the comments of the Chief Engineer/Hong Kong & Island, Drainage Services Department regarding the provision of hydraulic calculations as stated in paragraph 7.1.7 of the Paper; and
- (e) to note the comments of the Director of Fire Services that detailed fire services requirement will be formulated upon receipt of formal submission of general building plans.”

[The Chairman thanked Mr. Derek P.K. Tse, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H17/133 Proposed Social Welfare Facility (Child Care Centre) in “Other Specified Uses” annotated “Beach Related Leisure Use” zone, Shop 2, Basement 1, The Pulse, 28 Beach Road, Repulse Bay
(MPC Paper No. A/H17/133)

27. The Committee noted that the applicant requested on 21.7.2014 for deferment of the consideration of the application for two months so as to allow time for the applicant to prepare further information to address the comments and technical issues raised by relevant Government departments. This was the applicant’s first request for deferment.

28. 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.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H19/68 Proposed Hotel in “Residential (Group A) 1” Zone, 86 & 88 Stanley Main Street, Stanley (Stanley Inland Lot No. 10 & Stanley Lot No. 1130)
(MPC Paper No. A/H19/68)

29. The Secretary reported that Lanbase Surveyors Ltd. and LLA Consultancy Ltd.

(LLA) were the consultants of the applicant. Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had declared interests in this item as Mr Lau and Mr Lam had current business dealings with both consultants and LLA respectively. As the applicant had requested for deferment of consideration of the application, and Mr Lau and Mr Lam had no involvement in this application, the Committee agreed that they could stay in the meeting.

30. The Committee noted that the applicant requested on 23.7.2014 for deferment of the consideration of the application for two months so as to allow time for the applicant to address the comments raised by relevant Government departments. This was the applicant's first request for deferment.

31. 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 Josephine Y.M. 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/H7/156 Proposed Minor Relaxation of Building Height Restriction from 85mPD to 92.77mPD for a Proposed Composite Commercial/Residential Development in "Residential (Group A)" Zone, 25 Wong Nai Chung Road, Happy Valley
(MPC Paper No. A/H7/156A)

32. The Secretary reported that the following Members had declared interests in this item:

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| Mr Patrick H.T. Lau | - being the Chairman of Happy Valley Residents' Association. |
| Ms Bonnie J.Y. Chan | - her parents owned a property at Blue Pool Road. |
| Dr Wilton W.T. Fok | - his parents owned a property at Blue Pool Road. |
| Mr K.F. Tang | - owning a property at Broadwood Road. |

33. As Happy Valley Residents' Association and its members might have expressed views on this application, the Committee agreed that Mr Patrick H.T. Lau's interest was direct and he should leave the meeting temporarily for this item. As the properties of Ms Bonnie J.Y. Chan's and Dr Wilton W.T. Fok's parents and Mr K.F. Tang had no direct view of the site, the Committee agreed that the interests of Ms Chan, Mr Fok and Mr Tang were indirect and they could stay in the meeting.

[Mr Patrick H.T. Lau left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application highlighting that there were two sets of general building plans (GBP) approved in 2010 and 2014 for the proposed composite commercial/residential development on the site. Both schemes had a building height (BH) of 85mPD, which was in compliance with the BH restriction of the subject "Residential (Group A)" ("R(A)") zone;
- (b) the proposed minor relaxation of BH restriction from 85mPD to 92.77mPD for a proposed composite commercial/residential development. According to the applicant, the proposed relaxation was to accommodate the sky garden

and the floor-to-floor height of 3.14m, which was the usual standard for modern design;

(c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were summarised as follows:

- (i) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) advised that the BH restrictions were imposed to preserve the character of the Wong Nai Chung area and the existing vista to the ridgelines near Wong Nai Chung Gap, and to maintain a stepping BH concept. The BH restrictions were determined in a holistic approach with a stepping pattern in four height bands, each differing from the next by 15m and increasing progressively from the valley floor to the upper hill areas. Any departure from the stepping BH concept should require strong justifications. The applicant claimed that the addition of sky garden allowed air flow through the building and made a positive impact on residential buildings fronting Yik Yam Street to the south. However, the latter could be built up to 85mPD upon redevelopment and would hence impede air flowing through the proposed sky garden. The applicant had yet to demonstrate that the proposed sky garden was beneficial to the area. The proposed sky garden was not considered of sufficient merit to justify for an increase in BH. Apart from the sky garden, the applicant had also proposed other green features, namely balconies, green podium, green roof, green wall, and the design for optimal natural cross ventilation within individual flats. Notwithstanding, the provision of the above green features did not require additional BH. Besides, the wind analysis for the GBP Scheme 2010 was based on wall thickness of 300mm to 250mm while that for the proposed scheme was based on wall thickness of 450mm. The possibility of adopting thicker wall elements and shallower

beam depth approach should be explored to achieve a feasible structural scheme based on the approved building plans;

- (ii) the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department (CBS/HKE&H, BD) advised that under normal conditions, it was structurally feasible to have slab not as thick as 200mm and beam not as deep as 750mm. The justification provided by the applicant contained in paragraph 9.1 of the supplementary statement (Appendix Ia of the Paper) was considered not acceptable. According to the latest building plans approved on 26.6.2014, the total building height of the approved proposal was 85mPD with domestic floor to floor height of 2.87m, and the roof of the proposed building had been designated as a refuge roof and the provision of a refuge floor in an intermediate floor was not required; and
 - (iii) the Chief Architect/Advisory Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) advised that in order to avoid the subject building to stand out in a very 'pencil-like' manner and have greater height difference against the surrounding site context with a lower height profile, the applicant might wish to keep the exceeded BH as low as possible.
- (d) the application was published twice and a total of four public comments were received during the first three weeks of the statutory publication periods. The comments were from a management company of a nearby residential development (namely Karen Court), Designing Hong Kong Limited and a member of the public. They objected to the application mainly on the following grounds:
- (i) the relaxation of BH restriction would block the view, affect sunlight penetration and air ventilation of some units of Karen Court and buildings at the rear streets;

- (ii) increase in BH would affect the views and air ventilation of the pedestrian environment and other future developments;
 - (iii) the proposed development would result in an increase in population, bringing about noise pollution and aggravating the traffic loading of nearby streets;
 - (iv) there were concerns on the traffic capacity of Wong Nai Chung Road, as the traffic generated by the proposed development and associated increase in density and economic activities nearby would trigger traffic congestion or accident, and would increase the need for new road works and possible reclamation;
 - (v) there were concerns over the impact on the safety of children and elderly pedestrians;
 - (vi) there was no evidence of an overriding need or public gain for the proposed minor relaxation; and
 - (vii) approval of the proposed relaxation of BH was in conflict with the mandate of the Town Planning Board (TPB) which was to ensure the health and well being of the community of today and in future, and to ensure that its decisions were sustainable.
- (e) no local objection/view was received by the District Officer (Wan Chai); and
- (f) 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 residential and commercial uses were permitted under the “R(A)” zone. The proposed BH of 92.77mPD had exceeded the BH restriction of the site by 7.77m (about 10.09% in respect of actual height of the building). If

compared with the GBP schemes approved in 2010 and 2014, the increase in BH was attributed to the increase in floor-to-floor height for the domestic floors, the G/F entrance and clubhouse floor. The proposed sky garden of 4.5m on 17A/F in the currently proposed scheme was comparable to the covered landscape garden of 4.99m on 2/F under the GBP schemes;

- (ii) the site was located in the northern periphery of the residential neighbourhood at the lower valley floor area, directly fronting the large open area of the Racecourse and adjacent open spaces. In respect of the BH profile of Wong Nai Chung area, it was at the first tier of the height band of 85mPD which marked the lowest of the stepped height profile in the valley floor area increasing progressively with an interval of 15m to the uphill areas of the valley (Plans A-1 and A-4 of the Paper). In considering the stepped height profile and imposition of BH restriction for Wong Nai Chung area in 2008, the TPB determined that more stringent control should be adopted for the “R(A)” sites at the lower valley floor (including the site) with a view to preserving the distinctive character of the area and the existing vista from the Racecourse to the distant hill backdrop and ridgeline of Wong Nai Chung Gap. The BH of 92.77mPD in the proposed scheme would inevitably breach the first tier of the height band and hence interrupt the integrity of a very distinct stepped height profile and consequently affect the vista to the Wong Nai Chung Gap as well as the transition from the large open area to its north (Drawings A-4 and A-5 and Plan A-4 of the Paper);
- (iii) for developments/redevelopments with design merits or planning gains or site circumstances and constraints, relaxation of BH restriction could be considered by the TPB based on the individual merits of a development proposal. For the

proposed scheme, the applicant claimed that the provision of sky garden would have positive air ventilation impact on residential buildings fronting Yik Yam Street to the south. However, CTP/UD&L, PlanD advised that the latter could be built up to 85mPD upon redevelopment and might subsequently impede the air flowing through the proposed sky garden. The benefits of the proposed sky garden to the area were yet to be demonstrated. Other green features, namely balconies, green podium, green roof, green wall and the design for optimal natural cross ventilation within individual flats as well as provision of clubhouse and podium/roof garden proposed by the applicant did not necessarily require additional BH. In fact, clubhouse (recreational facilities) and open-air landscaped garden were provided in the two GBP schemes, which indicated a building with height in compliance with the BH restriction of the “R(A)” zone. Against the above, there were insufficient design merits and planning gains to justify the proposed relaxation of BH restriction;

- (iv) on technical aspect, the applicant claimed that the elongated site configuration made it necessary to increase the thickness of floor slabs and beams, which resulted in a lower internal height for the domestic flats, rendering it difficult to design a high quality development or to implement the intended internal natural air ventilation measures. CBS/HKE&H, BD advised that under normal conditions, it was structurally feasible to have slab not as thick as 200mm and beam not as deep as 750mm for the GBP schemes. The justification provided in the Supplementary Planning Statement was considered not acceptable. In response, the applicant submitted a wind frame analysis to demonstrate the structural feasibility of the GBP Scheme 2010 and the proposed scheme. However, CBS/HKE&H, BD further advised that in the analysis, different wall thickness was adopted for the GBP Scheme 2010

(300mm to 250mm) and the proposed scheme (450mm). The applicant should explore the possibility of adopting a thicker wall elements and shallower beam depth approach for the GBP Scheme in 2010 to achieve a feasible structural scheme based on the approved building plans. As such, the site and technical constraints which necessitated an increase in BH as claimed by the applicant were yet to be demonstrated;

- (v) there had been no previous planning approval for minor relaxation of BH restriction within the “R(A)” zone. As discussed above, the proposed relaxation of BH restriction could not be adequately justified in respect of planning/design merits or site/technical constraints. If the application was approved, it would set an undesirable precedent for similar applications in the area and the cumulative effect of which would jeopardize the stepped height profile for the Wong Nai Chung area; and
- (vi) there were public comments received objecting to the application mainly on grounds of visual, traffic, environmental, air ventilation and sunlight penetration aspects.

35. In response to a Member’s question, Miss Josephine Y.M. Lo said that the BH restrictions currently stipulated on the Wong Nai Chung Outline Zoning Plan (OZP) were formulated in 2008 after striking a balance among various factors, including but not limited to the preservation of mountain ridgeline near Wong Nai Chung Gap and the public view to Wong Nai Chung Gap from the vista at Racecourse, maintenance of stepped BH profile, as well as respecting development potential and private development rights. Relaxation of the BH restriction at the site to over 85mPD would block the view to Wong Nai Chung Gap and breach the mountain ridgeline.

36. In response to the Vice-Chairman’s question, Miss Josephine Y.M. Lo said that the proposed development (i.e. a composite residential/commercial building) with a BH of 85mPD at the site, which was a Class A site, would be subject to a maximum site coverage of

100% and 33.3% for the non-domestic and domestic part of the building respectively.

Deliberation Session

37. A Member said that the stepped BH profile stipulated on the Wong Nai Chung OZP was not prominent enough, and the BH restriction of 85mPD for “R(A)” zones would have already affected the public view towards the mountain ridgeline of Wong Nai Chung Gap. In response, the Chairman said that the BH restrictions on the Wong Nai Chung OZP was formulated in 2008 after striking a balance among various factors as mentioned in paragraph 35 above. The BH restrictions now incorporated into the OZP had been gazetted for public inspection and approved by the Chief Executive in Council. The current application should be considered on the basis of the approved BH restrictions on the Wong Nai Chung OZP.

38. In view of the existing low-rise character of the residential developments in the Wong Nai Chung area, another Member said that the BH restrictions stipulated on the Wong Nai Chung OZP were comparatively high, and any relaxation of the BH restrictions should not be approved unless there were strong justifications or exceptional circumstances.

39. 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) there is no strong justification nor planning and design merit in the development proposal for the proposed minor relaxation of building height restriction; and
- (b) approval of the application would set an undesirable precedent for similar applications for relaxation of building height restrictions in the area. The cumulative effect of which would jeopardize the planning intention of achieving a stepped height profile for the Wong Nai Chung area.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/162 Proposed Hotel in “Residential (Group A)” Zone, 25 Wong Nai Chung Road, Happy Valley
(MPC Paper No. A/H7/162A)

40. The Secretary reported that MVA Hong Kong Ltd. (MVA) was the consultant of the applicant. The following Members had declared interests in this item:

- | | |
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| Mr Patrick H.T. Lau | - being the Chairman of Happy Valley Residents’ Association and having current business dealings with MVA. |
| Mr Dominic K.K. Lam
Ms Julia M.K. Lau | - having current business dealings with MVA. |
| Ms Bonnie J.Y. Chan | - her parents owned a property at Blue Pool Road. |
| Dr Wilton W.T. Fok | - his parents owned a property at Blue Pool Road. |
| Mr K.F. Tang | - owning a property at Broadwood Road. |

41. As 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. Besides, as the properties of Ms Bonnie J.Y. Chan’s and Dr Wilton W.T. Fok’s parents and Mr K.F. Tang had no direct view of the site, the Committee agreed that the interests of Ms Chan, Dr Fok and Mr Tang were indirect and they could stay in the meeting. The Committee also agreed that the interest of Mr Patrick H.T. Lau was direct. However, Members noted that Mr Lau had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were summarised as follows:
 - (i) although the Commissioner for Transport (C for T) had no objection to the application, he advised that the availability of space in the roadside loading bay was not guaranteed as it was open for all public to use and would be altered. The applicant might consider to implement measures to meet the loading/unloading (L/UL) demand of the proposed hotel but such measure should not deteriorate the traffic condition at Wong Nai Chung Road and in the vicinity. Despite the applicant proposed to arrange daily delivery after 8:00pm to minimize the traffic impact on the adjacent road network, C for T had concern on the future monitoring mechanism. Should the application be approved by the Committee, an approval condition on the implementation of the applicant's aforesaid proposal should be imposed to ensure the implementation of the proposal;
 - (ii) the Commissioner of Police (C of P) advised that the proposed development would likely cause serious traffic congestion in the surrounding area as traffic flow might increase significantly during the construction phase. Currently, the section outside 25 Wong Nai Chung Road was a motorway with three westbound traffic lanes where a tram terminus was situated at the same section of the road. The proposed hotel, if approved, would unavoidably bring along huge increase to the traffic volume at Wong Nai Chung Road, which was already one of the busiest roads in Wan Chai District. Taking the whole area into account, the current traffic/road arrangement at Wong Nai Chung Road and surrounding roads

should not be able to accommodate the huge increase to the traffic volume, in particular the increase of coaches. Therefore, full road and traffic planning should be considered in advance. Furthermore, Wong Nai Chung Road was a major road linking Canal Road and Leighton Road, which were already the busiest road sections in Wan Chai where the tail-back traffic or congestion at Wong Nai Chung Road would certainly affect the flow of traffic. In light of the likely and foreseeable impacts on the community, full consultation with the Wan Chai District Council (WCDC) was recommended; and

- (iii) the District Officer (Wan Chai), Home Affairs Department (DO(WC), HAD) advised that the traffic condition in the vicinity of the site had always been a major concern of WCDC and nearby residents. As the proposed development would inevitably bring additional traffic to the vicinity, WCDC and nearby residents should be consulted and informed of the proposed development as early as possible.

- (d) the application was published twice for public inspection. During the first three weeks of the statutory publication periods, a total of ten public comments were received from a management company of a nearby residential development (namely Karen Court), Designing Hong Kong Limited and members of the public. Two public comments expressed concerns on the traffic impact of the proposed hotel and others objected to the application. Their major objection grounds are summarised as follows:
 - (i) the site was not suitable for hotel development;

 - (ii) the proposed hotel development would generate substantial traffic flow and further aggravate the traffic condition at Wong Nai Chung Road and nearby road network;

- (iii) the site was near the tram terminus and there was no drop-off area nor car parking spaces at the junction of Wong Nai Chung Road and Sing Woo Road. The traffic congestion at Wong Nai Chung Road and nearby roads would be further deteriorated by the dropping off/picking up of the visitors from private cars, taxis and coaches in front of the proposed hotel;
- (iv) the L/UL activities to be generated by the proposed hotel might occupy the tram lane and obstruct the tram services, which would directly affect the local residents who relied on tram and other public transport facilities for commuting;
- (v) the traffic impact assessment was inadequate as it failed to consider the cumulative impact of approved and permitted developments on the traffic in the area and associated roads;
- (vi) the width of the current pedestrian footpath was too narrow to cater for future pedestrian flows of the proposed hotel, which would cause traffic and pedestrian safety problems, particularly for children and elderly pedestrians who used the nearby pavements;
- (vii) the proposed hotel would block the view, affect sunlight penetration and air ventilation of some units of a nearby residential development (i.e. Karen Court);
- (viii) the proposed hotel would generate noise nuisance to the area;
and
- (ix) approving the application was in conflict with the mandate of the Town Planning Board (TPB) to ensure the health and well being of the community, and to ensure that its decisions were sustainable.

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

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on assessments made in paragraph 11 of the Paper and were summarised as follows:
 - (i) the site was located at Wong Nai Chung Road and to its immediate east, south and west was a residential neighbourhood served with retail shops and eating places on the lower floors of the buildings. The only exception was Emperor (Happy Valley) Hotel which was approved in 1977. To the immediate north was the tram terminus and further off were the Racecourse and other open areas. Given the well-established residential neighbourhood of Happy Valley, the proposed hotel development at the site might not be compatible from land-use point of view. There were two previous applications for hotel development within the residential neighbourhood in Happy Valley which were rejected by the Committee in 1998 and 2004 on grounds of land use incompatibility;

 - (ii) on traffic aspect, the applicant claimed that the proposed hotel in small scale would generate very low traffic and would not cause any adverse traffic impacts. Even without the provision of internal transport facilities, the existing roadside lay-bys in the vicinity of the site would be adequate to cope with the L/UL demand from the proposed hotel. The applicant proposed a traffic management measure, i.e. to arrange the daily delivery of laundry and food/drinks to the hotel after 8:00pm, so as to minimize the traffic impact of the hotel operation on the adjacent road network. C for T had no in-principle objection to the application. However, C of P had concern on the possible increase in traffic volume

generated by the proposed hotel development along Wong Nai Chung Road and the nearby road network, which were currently busy with traffic congestion. DO(WC), HAD also raised similar concerns on the traffic condition in the area and advised that it had always been a major concern of WCDC and nearby residents. Regarding the L/UL demand, C for T considered that the availability of roadside lay-bys for use of the proposed hotel could not be guaranteed as they were open for public use and subject to changes. He also had concerns on the monitoring of the implementation of the traffic management measure proposed by the applicant;

- (iii) the applicant claimed that the current application should be considered under the provisions of the plan and the planning policies prevalent at the time when it was submitted or deferred, i.e. in late 2012 when there was not a “non-statutory blanket policy” of rejecting applications for hotels in “R(A)” zones. However, in considering individual application, it was the TPB’s practice to consider each case on its individual merits with reference to the prevailing planning circumstances. Given the current shortfall in housing supply, residential sites should be developed for its zoned use unless there were strong justifications/planning merits for the proposed non-residential development or where the site was conducive for the proposed non-residential use. In the current application, however, no strong justifications or planning merits for the proposed hotel had been demonstrated. Meanwhile, the proposed hotel development would result in reduction of sites available for residential developments and affect the supply of housing land in meeting the pressing housing demand over the territory;
- (iv) all the public comments received were either raising objection to or expressing concern on the proposed hotel development on traffic, visual, air ventilation, sunlight penetration, pedestrian

safety and noise nuisance aspects; and

- (v) having balanced the above factors, there was no strong justification for a change from residential to hotel development on the site. The approval of the application would set an undesirable precedent for similar applications in the area, and the cumulative effect of which would not only aggravate the shortfall in supply of housing land, but would also change the residential character of the locality.

43. In response to a Member's question, Mr W.B. Lee, Assistant Commissioner for Transport (Urban), said that he had no objection to the application as the proposed number of hotel rooms was only 68 which would generate insignificant traffic flow. However, he had concern on the applicant's proposal of using existing roadside loading/unloading (L/UL) bays to serve the hotel as such bays were open for all public to use. He also had concern on the monitoring of the implementation of the applicant's proposal of arranging delivery of laundry and foods/drinks after 8:00pm.

44. In response to a Member's question, the Secretary said that applicant might apply for planning permissions for different proposals for the same site at the same time, and the applicant could choose to implement one of these planning permissions, provided that it was still valid. A planning permission was granted for a specific scheme, and flexibility was allowed for minor amendments to the approved scheme under the provision of section 16A of the Town Planning Ordinance. In response to the same Member's question, Miss Josephine Y.M. Lo said that the applicant did not provide information on the size of the hotel rooms.

Deliberation Session

45. Noting the applicant's request that the Committee should consider the application under the circumstances when it was submitted in 2012, the Vice-Chairman said that even if the application was considered based on the then prevailing circumstances in 2012, the application could not be approved in view of the lack of planning merits of the proposed hotel, the traffic problems and other issues that were raised by the concerned departments. The Chairman said that even back in 2012, the Committee would still need to take into account

various factors such as landuse compatibility and individual merits in considering applications for hotel developments within residential zonings, instead of giving blanket approval for such kind of applications. The proposed hotel at the site was considered incompatible with the well-established residential neighbourhood in Wong Nai Chung area. The applicant's proposal of arranging delivery of laundry and foods/drinks after 8:00pm to tackle the traffic issue would however have an impact on the tranquil environment of the residential neighbourhood nearby.

46. A Member agreed with the recommendation of rejecting the application and said that when considering the traffic impact of the proposed hotel, the Transport Department needed to put more weight on the L/UL activities generated by the hotel guests and operators, in addition to the traffic flow generated by the number of hotel rooms. As for the subject application, Wong Nai Chung Road and Shing Woo Road in the vicinity of the site were already congested. Although the proposed number of hotel rooms was small, L/UL activities by the hotel guests and operators would further aggravate the traffic congestion problem.

47. 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 proposed hotel is considered incompatible with the surrounding developments which are predominantly residential in nature;
- (b) given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel 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;
- (c) there are no strong justifications or planning merits for the proposed hotel development at the application site;
- (d) the proposed hotel development will aggravate the traffic congestion

problem in the area; and

- (e) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land and affect the residential character of the area.”

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

Agenda Item 12

Section 16 Application

[Open Meeting]

A/H7/159 Proposed Minor Relaxation of Building Height Restriction for Residential Development in “Residential (Group B)” zone, 7C-7F Shan Kwong Road, Village Road and Tsui Man Street, Happy Valley
(MPC Paper No. A/H7/159A)

48. The Secretary reported that Llewelyn-Davies Hong Kong Ltd. (LD) and Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. The following Members had declared interests in this item:

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| Mr Patrick H.T. Lau | - being the Chairman of Happy Valley Residents’ Association and having current business dealings with LD. |
| Mr Dominic K.K. Lam
Ms Julia M.K. Lau | - having current business dealings with Environ. |
| Ms Bonnie J.Y. Chan | - her parents owned a property at Blue Pool Road. |
| Dr Wilton W.T. Fok | - his parents owned a property at Blue Pool Road. |
| Mr K.F. Tang | - owning a property at Broadwood Road. |

49. The applicant had requested for deferment of consideration of the application.

As Mr Dominic K.K. Lam and Ms Julia M.K. Lau had no involvement in this application, and the properties of Ms Bonnie J.Y. Chan's and Dr Wilton W.T. Fok's parents and Mr K.F. Tang had no direct view of the site, the Committee agreed that they could stay in the meeting. The Committee also agreed that the interest of Mr Patrick H.T. Lau was direct. However, Members noted that Mr Lau had already left the meeting.

50. The Committee noted that the applicant requested on 25.7.2014 for deferment of the consideration of the application for two months to allow time for the applicant to review and update the information of the application with consideration to the latest context and prepare further information to address the departmental comments, particularly the comments of the Buildings Department, so as to further substantiate the application. This was the applicant's first request for deferment.

51. 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.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/165 Proposed Residential Institution in "Government, Institution or Community (1)" zone, 17A and 17B Ventris Road, Happy Valley
(MPC Paper No. A/H7/165A)

52. The Secretary reported that MVA Hong Kong Ltd. (MVA), Environ Hong Kong Ltd. (Environ) and LWK & Partners (HK) Ltd. (LWK) were the consultants of the applicant.

The following Members had declared interests in this item:

- | | |
|---------------------|--|
| Mr Patrick H.T. Lau | - being the Chairman of Happy Valley Residents' Association and having current business dealings with MVA. |
| Mr Dominic K.K. Lam | - having current business dealings with MVA and Environ. |
| Ms Julia M.K. Lau | - having current business dealings with MVA and Environ. |
| Mr Laurence L.J. Li | - having current business dealings with LWK. |
| Ms Bonnie J.Y. Chan | - her parents owned a property at Blue Pool Road. |
| Dr Wilton W.T. Fok | - his parents owned a property at Blue Pool Road. |
| Mr K.F. Tang | - owning a property at Broadwood Road. |

53. As Mr Dominic K.K. Lam and Ms Julia M.K. Lau had no involvement in this application and the properties of Ms Bonnie J.Y. Chan's and Dr Wilton W.T. Fok's parents had no direct view of the site, the Committee agreed that they could stay in the meeting. As the property of Mr K.F. Tang had a direct view of the site, the Committee agreed that Mr Tang's interest was direct and he should leave the meeting temporarily for this item. The Committee also agreed that the interest of Mr Patrick H.T. Lau was direct. However, Members noted that Mr Lau had already left the meeting.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed development consisted of church facilities, residential care home for the elderly (RCHE) and senior hostel. The proposed senior hostel was regarded as ‘Residential Institution’ which required planning permission from the Town Planning Board (TPB) under the “Government, Institution or Community (1)” (“G/IC(1)”) zone. The church and RCHE, which were regarded as ‘Religious Institution’ and ‘Social Welfare Facilities’, were always permitted under the “G/IC(1)” zone;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Social Welfare (D of SW) supported in-principle the proposed self-financing RCHE on the conditions that there would be no financial implications, both capital and recurrent, to the Government, and compliance with the relevant ordinance and regulations. The Commissioner for Heritage’s Office (CHO) and Antiquities and Monuments Office (AMO) supported the proposed development as it was commensurate with the grading of the Pioneer Memorial Church of Seventh-day Adventists (i.e. Grade 3). To ensure the implementation of the preservation intent, a relevant approval condition was recommended to be incorporated should the application be approved. The District Officer (Wan Chai), Home Affairs Department (DO(WC), HAD) advised that Wan Chai District Council (WCDC) and nearby residents would likely express concerns about the adverse air ventilation and traffic impacts generated by the proposed development, and therefore they should be consulted as early as possible;

- (d) the application/further information of the application had been published three times. During the first three weeks of the statutory publication periods, a total of 120 public comments were received and they were submitted by a District Council Member, the Incorporated Owners of the 22-22A Ventris Road, business companies and members of the public. All of them objected to or raised concerns on the application. Of which, 92 were in the form of four different standard submissions with 18 providing additional comments. The grounds of objection were mainly on traffic, visual, air ventilation, landscape, environmental and heritage

impacts, light penetration, noise nuisance, health concerns of nearby residents, established environmental and aesthetic balance of the neighbourhood, pedestrian and fire safety as well as obstruction of emergency vehicles service to the site. Concerns on the application included traffic measures, excessive parking spaces provided by the redevelopment, preservation of the church building, comparatively higher plot ratio for the proposed residential (senior hostel and RCHE) development than for government, institution and community (GIC) uses and prevention of further modification to any other residential housing. No local objection/view was received by the District Officer (Wan Chai); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper and were summarised as follows:
 - (i) the proposed church facilities and RCHE (i.e. GIC facilities) were always permitted while the proposed senior hostel required planning permission under “G/IC(1)” zone. GIC facilities were the dominant uses accounting for about 62% of the total GFA, with the remaining 38% for senior hostel. The proposed redevelopment was thus considered generally in compliance with the planning intention of “G/IC” zone;
 - (ii) the proposed church cum elderly facilities and housing was not considered incompatible with the surroundings of the site which was a predominantly residential neighbourhood with the presence of some GIC uses;
 - (iii) the proposed development was commensurate with the stepped BH profile and the proposed development would create only insignificant visual impacts as illustrated in the photomontages and visual impact assessment submitted. With the incorporation of a 4.5m wide building gap and a podium setback of 2m to 8.5m along

Ventris Road, the proposed development would not cause major air ventilation problem according to the Air Ventilation Assessment submitted by the applicant. Concerned departments had no objection to the application on visual and air ventilation aspects;

- (iv) according to the tree survey submitted by the applicant, only one tree within the site would be felled. The Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application and considered that significant adverse landscape impact from the proposed development was not anticipated;
- (v) the proposed redevelopment would preserve the prominent architectural features of the existing Pioneer Memorial Church of Seventh-day Adventists, and the salvaged items would be incorporated into the newly developed church building. Both CHO and AMO supported the proposal as it was commensurate with the grading of the church. An approval condition was recommended to ensure the implementation of the preservation intent;
- (vi) the Commissioner for Transport (C for T) considered that the traffic generated by the proposed development was insignificant. The provision of internal transport facilities would also alleviate the parking demand instead of taking up the parking facilities along Ventris Road. The Commissioner of Police (C of P) proposed two temporary traffic management measures during the construction stage of the proposed development, including controlling the truck loading/unloading (L/UL) activities so as to avoid crashing with the school pick-up/drop-off hours, as well as suspending the on-street public metered parking spaces to ensure free flow of traffic along Ventris Road. An approval condition for submission and implementation of temporary traffic management measures was recommended; and
- (vii) regarding the public comments on the planning intention, visual and

air ventilation, landscape, heritage and traffic aspects of the development, the above assessments were relevant. As for the public concern on environmental impact during construction, the Director of Environmental Protection advised that constructional environmental impacts were controlled under various pollution ordinances and there would be no adverse air quality impact as traffic generated from the proposed development would be minimal. Regarding the concern on further modification of the elderly residential facilities to any other residential units, it should be noted that residential units was regarded as 'Flat' use which required separate planning permission from the TPB.

[Mr Clarence W.C. Leung and Mr Frankie W.C. Yeung left the meeting at this point.]

55. Some Members asked whether the applicant had provided any details of the proposed elderly hostel such as its mode of operation, type of target residents and rental price level, and how it would be different from the RCHE proposed on the lower floors. In response, Miss Josephine Y.M. Lo said that according to the Code of Practice for Residential Care Homes (Elderly Persons), no part of the RCHE should be situated at a height more than 24m above the ground floor level. The applicant had therefore proposed to designate RCHE on level below 24m. The senior hostel would be located at the upper floors of the complex building. The proposed RCHE, including its design and facilities, would be regulated by D of SW, while the proposed senior hostel would be self-financed and managed by the applicant. According to the proposed scheme, nursing stations would be provided within the proposed RCHE while no medical care facilities would be provided within the proposed senior hostel. The facilities in the proposed RCHE would not be open for the use by future residents of the proposed senior hostel. As stated by the applicant, the proposed senior hostel was intended for people aged 60 or above who were healthy and without the need for personal care and attention in their daily activities. The applicant had not provided information on the rental price and mode of operation of the senior hostel. In response to the Chairman's question, Miss Lo said that no recreational facilities were provided within the proposed senior hostel.

56. Noting that the proposed senior hostel was not regulated by D of SW or any

licensing departments, some Members asked whether there was any mechanism to regulate or monitor its operation. Members were concerned that the proposed senior hostel, if approved, might be packaged as a luxury housing project and be sold/rented to persons other than the elderly originally targeted at, noting that the rental price of the senior hostel would not be subject to government regulation. Miss Lo said that the proposed senior hostel would be managed by the applicant.

57. In response to some Members' questions on the land status of the site and whether lease modification would be required for the proposed development, Mr Edwin W.C. Chan, Assistant Director (Regional 2), Lands Department (LandsD), said that the entire site was privately owned. Lease modification would be required for the proposed RCHE and elderly hostel, and if approved by LandsD, would be subject to payment of premium and fees as imposed by LandsD.

58. A Member asked whether there was any policy support for the proposed senior hostel. Miss Lo said that the applicant had approached the Development Opportunities Office of the Development Bureau in 2010 for assistance to implement the proposed redevelopment of the site for a church and a complex building including church facilities, RCHE and senior hostel. The redevelopment scheme was presented to the Land and Development Advisory Committee (LDAC) in July 2011, and LDAC supported the entire scheme including the proposed senior hostel, RCHE and church facilities. The development parameters of the redevelopment scheme were incorporated into the Wong Nai Chung Outline Zoning Plan in 2011.

59. Noting that the St. Margaret Church and the Racecourse near the site would attract much traffic to Ventris Road during Sundays and racing days, the Vice-Chairman asked whether the traffic impact assessment (TIA) submitted by the applicant had assessed the traffic on these days and proposed any mitigation measures. In response, Mr W.B. Lee, Assistant Commissioner for Transport (Urban), Transport Department (TD) said that the TIA had already assessed the traffic on weekends and racing days, and was considered acceptable by TD. TD and C of P had taken into account the major events and traffic flow pattern in the area in daily traffic management and control near the site. In response to the Chairman's question, Miss Lo said that C of P had no strong views on the application but suggested two traffic measures during the construction stage of the proposed development to ensure truck

L/UL activities would avoid coinciding with the school picking up/dropping off hours; and to suspend the on-street metered public parking spaces opposite to the site in order to ensure free flow of traffic thereat. It was recommended to impose an approval condition requiring the applicant to submit and implement the aforesaid temporary traffic management measures during the construction period to the satisfaction of C for T.

60. A Member asked how architectural features with conservation value of the existing church at the site would be preserved, since they were not clearly shown on the photomontages submitted by the applicant. Miss Lo said that the purpose of the photomontages was only to illustrate the general appearance and size of the proposed development. The applicant would continue to liaise with AMO on details of incorporating the architectural features with conservation value into the future development. It was also recommended to impose an approval condition requiring the applicant to submit the preservation and design proposal to the satisfaction of AMO prior to the commencement of any works.

61. A Member said that based on the current layout of G/F, when a vehicle was picking-up or dropping-off passengers at the layby, it would block other vehicles from getting into the car park of the proposed development. This Member asked if the applicant had submitted any swept path analysis to show the vehicular arrangement within the site. In response, Mr W.B. Lee said that swept path analysis had not been submitted by the applicant.

62. In response to a Member's question, Miss Lo said that the floor plans of the proposed senior hostel submitted by the applicant were shown in Drawings A-7 and A-8 of the Paper. A Member noted that the applicant was not the "current land owner". In response, the Chairman said that under the provisions of the Town Planning Ordinance, applicant for planning permission did not have to be the current land owner, but had to either obtain the consent of or notify the current land owner of the site.

Deliberation Session

63. Members in general supported the proposed senior hostel and RCHE which could ease the pressing demand for elderly housing/accommodations in Hong Kong.

64. In response to a Member's question, the Chairman said that similar to other senior housings in Hong Kong, the proposed senior hostel was regarded as a non-GIC use. According to the TPB Guidelines No. 16, for sites zoned "G/IC", a major portion of the proposed development should be dedicated to GIC and other public uses including public open spaces. As 62.2% of the total gross floor area (GFA) of the proposed development was for GIC uses (i.e. church and RCHE) and only 37.8% of the GFA was for the proposed senior hostel, the proposed development was in compliance with the aforesaid TPB Guidelines.

65. The Vice-Chairman and some Members were concerned that the Government would be difficult to regulate the operation of the proposed senior hostel under the existing mechanism. Without proper regulation, the proposed senior hostel might become a mere residential development not serving the elderly. In response, the Chairman said that lease modification was required for the proposed development and the lease terms could specify the restrictions on the proposed senior hostel, such as the target tenants, restriction on sales, etc. Similar practice was also adopted in other elderly housing projects under the Hong Kong Housing Society. In this regard, the Chairman requested the LandsD to note Members' concerns and to incorporate appropriate lease terms when processing the lease modification so as to ensure that the proposed senior hostel would serve its original intent.

66. Noting that the proposed development had been setback from Ventris Road, a Member said that it should be possible to create a green edge along Ventris Road. Since the elderly might take longer time for boarding and alighting, the applicant should ensure that there would be sufficient space within the site to cater for this to avoid tailing back of vehicles at Ventris Road. Another Member said that the preservation of architectural features of the existing church building in particular the timber roof should be agreed with AMO. In response, the Chairman said that the concerns/suggestions in landscape, traffic and heritage preservation aspects could be addressed by imposing the relevant approval conditions. Relevant departments would take into account Members' concerns/suggestions when considering the submissions for compliance with the relevant approval conditions.

67. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.8.2018, 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 temporary traffic management measures during the construction period of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of parking facilities, loading/unloading spaces and lay-bys for the proposed redevelopment to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a methodology for preservation and protection of the prominent architectural features during demolition of the existing church building, a full set of photographic and cartographic records of the existing church building and a design proposal to incorporate the preserved architectural features into the new church building and the implementation of the design proposal to the satisfaction of the Antiquities and Monuments Office of the Leisure and Cultural Services Department or the TPB prior to the commencement of any works;
- (d) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the implementation of local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission of an undertaking letter stating that the drains within the lot will be owned and maintained by the lot owner during and after the construction of the building on the application site and the details of management arrangement to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the provision of fire service installations and water supplies for firefighting

to the satisfaction of the Director of Fire Services or of the TPB; and

- (h) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval of the application does not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines on building separation, building setback and site coverage of greenery as stipulated in Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152 and the relevant requirements under the lease, 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 TPB may be required;
- (b) to note the comments of the District Lands Officer/Hong Kong East, Lands Department in paragraph 10.1.1(b) to (e) of the Paper regarding:
 - (i) the need to apply to the District Lands Officer/Hong Kong East for lease modification to permit the proposed residential care home for the elderly, senior hostel, erection of buildings within the non-building area and vehicular access at Ventris Road. There is no guarantee that the lease modification will be approved, and if approved, be subject to such terms and conditions, including payment of fees, as imposed by the Director of Lands; and
 - (ii) the tree felling proposal submitted in the application has not been considered or checked under the lease conditions.

Separate tree felling application should be submitted to the District Lands Officer/Hong Kong East for approval under the subject lease;

- (c) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department in paragraph 10.1.2 (b) to (d) of the Paper that:
 - (i) the treatment of the proposed residential care home for the elderly as a domestic or non-domestic building for the purpose of calculation of site coverage, plot ratio and open space will be subject to support from relevant departments;
 - (ii) the requirements regarding sustainable building design guidelines on building separation, building setback and site coverage of greenery as stipulated in PNAP APP-152 should be observed if GFA concession for green/amenity features and non-mandatory/ non-essential plant rooms and services will be applied for the proposed development; and
 - (iii) detailed checking under the Buildings Ordinance and its allied regulations will be carried out at the formal building plan submission stage;
- (d) to note the comments of the Director of Fire Services in paragraph 10.1.3 (c) to (e) of the Paper regarding the requirement of the residential care home for the elderly; and that the arrangement on Emergency Vehicular Access shall comply with the Code of Practice for Fire Safety in Buildings 2011 and detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Commissioner of Police in paragraph 10.1.5(c) of the Paper that the truck loading and unloading activities should be arranged to avoid crashing with the school pick-up/drop-off hours and the

on-street public metered parking spaces along Ventris Road should be suspended in formulating the temporary traffic management measures during the construction period of the proposed development;

- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape Section, Planning Department in paragraph 10.1.10(e) of the Paper that in preparing the tree preservation and landscape proposals, breakdown figures of planting areas on each level and a list of recommended plant species for the proposed palms, trees, shrubs and groundcovers should be provided; and
- (g) to note the comments of the Director of Social Welfare in paragraph 10.1.11(b) to (e) of the Paper regarding the need for compliance with the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and Residential Care Homes (Elderly Persons) Regulation (Cap. 459A) as well as the Code of Practice for Residential Care Homes (Elderly Persons), and the target residents and operation mode of the proposed senior hostel as confirmed by the applicant; and that detailed comments will be provided upon formal submission of licence layout plans for approval.”

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

[Mr K.F. Tang returned to join the meeting at this point.]

Kowloon District

[Ms. Irene N.C. Man, Town Planner/Kowloon (TP/K), was invited to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/252 Proposed Hotel in “Residential (Group A)” Zone, 103-107 Tam Kung Road, Ma Tau Wai
(MPC Paper No. A/K10/252)

69. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was the consultant of the applicants. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase. Members noted that Mr Patrick H.T. Lau had already left the meeting.

Presentation and Question Sessions

70. With the aid of a PowerPoint presentation, Ms. Irene N.C. Man, TP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the site was the subject of an application (No. A/K10/235) for a proposed hotel development which was approved by the Committee with conditions on 4.12.2009. The scheme had commenced with the approval of building plans in November 2011. Land exchange for the proposed hotel development was being processed by the Lands Department. When compared with the scheme (A/K10/235), the currently proposed scheme mainly involved a reduction of two storeys and an addition of 27 guestrooms;
- (b) the proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 91 public comments in 9 standard letters were received from individuals and a concern group. While one comment supported the application, the remaining 90 comments objected to the application on grounds that the proposed development would generate more traffic, increase the burden on

road capacity, aggravate traffic congestion and affect pedestrian flow. Other commenters raised concerns that the proposed hotel use was not compatible with the residential use in the area, and sites planned for residential use should be retained for residential development in view of the current acute shortage of housing land. The proposed hotel would also affect local residents by causing noise pollution and adverse impacts on environmental hygiene. The livelihood of the local people would be affected as there would be a change of mode of operation for retail shops from traditional local stores to shops for tourists. The supporting comment considered that the proposed hotel would enhance urban regeneration in the area without causing adverse traffic impact. No local objection/view was received by the District Officer (Kowloon City);

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. Due to the current acute shortage of housing land, sites planned for residential use should generally be retained for residential development, except where the site was conducive for hotel use or the hotel development was to meet a specific planning objective. The site was the subject of a previously approved planning application (No. A/K10/235) for hotel development. The development had commenced with the approval of building plans on 10.11.2011. Part of the site at 105-107 was also the subject of two previously approved applications (No. A/K10/227 and A/K10/246) for hotel development. Given the planning permissions previously granted for hotel use at the site, and the applicant had made efforts to pursue the approved hotel scheme including submission of building plans, compliance with approval conditions and application for land exchange, the special circumstances of the case might warrant special consideration. Regarding the 90 opposing public comments raising traffic concerns on the proposed hotel development, the Commissioner for Transport and the Commissioner of Police had no objection to the application.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.8.2018, 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 fire-fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed hotel concession/gross floor area (GFA) exemption for back-of-house (BOH) facilities will be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approvals. In addition, if the proposed hotel concession/GFA exemption for BOH facilities is not granted by the Building Authority, resulting in a non-domestic plot ratio exceeding 9.0 or major changes to the current scheme, a fresh planning application to the TPB may be required;
- (b) 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 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 Land Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;

- (c) to note the comments of the District Lands Officer/Kowloon West, Lands Department that should the land exchange application be finally accepted and executed, the detailed design of the proposed hotel will be scrutinized at the building plan stage and there is no guarantee that the design as currently proposed in the planning application will be accepted under lease;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that:
 - (i) the proposed hotel development shall in all aspects comply with the Buildings Ordinance and its allied regulations;
 - (ii) provision of service lane for domestic building shall be in compliance with Building (Planning) Regulation (B(P)R) 28 and the area of the service lane shall be excluded from the site area under B(P)R 23(2)(a);
 - (iii) granting of hotel concession under B(P)R 23A is subject to the compliance with the criteria under the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40, and will be considered at the building plan submission stage;
 - (iv) the Practice Notes for Authorized Persons, Registered

Structural Engineers and Registered Geotechnical Engineers APP-151 on “Building Design to Foster a Quality and Sustainable Built Environment” and APP-152 on “Sustainable Building Design Guidelines” are applicable to the redevelopment of the site;

- (v) granting of GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and services, etc. is subject to the compliance with the criteria under the prevailing Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers, including APP-151 and APP-152;
 - (vi) provision of access and facilities for persons with disability shall be in accordance with B(P)R 72;
 - (vii) detailed comments on the proposal under the Buildings Ordinance, including any application for exemption/exclusion of area from GFA calculation, will be given at the building plan submission stage;
 - (viii) an Authorized Person should be appointed to coordinate all building works in accordance with the Buildings Ordinance; and
 - (ix) the proposed hotel will be subject to the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance (HAGAO), Cap. 349;
- (e) to note the comments of the Director of Fire Services regarding the requirement for compliance with the Code of Practice for Fire Safety in Building 2011;
- (f) to note the comments of the Chief Town Planner/Urban Design &

Landscape, Planning Department that landscape planting should be provided at the setback area of the ground floor and the roof level to enhance the visual amenity of the hotel development. The façade of the lower floors should be sensitively designed and treated in order to avoid any blank-wall appearance. Sufficient soil depth and volume should be provided at the flat roof of 1/F for the proposed landscape planting; and

- (g) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that the applicant should submit a copy of the occupation permit for the proposed hotel when making an application under HAGAO; the proposed license area should be physically connected; the fire service installation provisions should comply with relevant section of Codes of Practice of Minimum Fire Services Installations and Equipment; and the licensing requirements will be formulated after inspections by Building Safety Unit and Fire Safety Team of his office upon receipt of a license application under HAGAO.”

[The Chairman thanked Ms. Irene N.C. Man, TP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting]

A/K15/113 Proposed Comprehensive Residential Development in “Comprehensive Development Area” Zone, Nos. 5 and 8, Tung Yuen Street, Yau Tong
(MPC Paper No. A/K15/113A)

74. The Secretary reported that the applicants were the subsidiaries of Cheung Kong (Holdings) Ltd. (CKH), and Environ Hong Kong Ltd. (Environ) and LWK & Partners (HK) Ltd. were the consultants of the applicants. Mr Patrick H.T. Lau, Professor P.P Ho and Mr Francis T. K. Ip had declared interests in this item as Mr Lau and Professor Ho had current business dealings with CKH while Mr Ip had a close relative served on the Board of Directors for CKH. Mr Dominic K.K. Lam and Ms Julia M.K. Lau had declared interests in

this item as they had current business dealings with Environ. Mr Laurence L.J. Li had declared an interest in this item as he had current business dealings with LWK and his wife's relatives owned a factory in Yau Tong. As the applicants had requested for deferment of consideration of the application, and Mr Dominic K.K. Lam, Ms Julia M.K. Lau and Mr Laurence L.J. Li had no involvement in this application, the Committee agreed that they could stay in the meeting. Members noted that Mr Patrick H.T. Lau had already left the meeting, and Professor P.P. Ho and Mr Francis T.K. Ip had tendered apologies for being unable to attend the meeting.

75. The Committee noted that the applicant requested on 4.8.2014 for further deferment of the consideration of the application for another two months so as to allow time for the applicant to prepare responses to departmental comments received. This was the applicants' second request for deferment.

76. 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 16

Any Other Business

77. There being no other business, the meeting closed at 12:00 a.m..