

TOWN PLANNING BOARD

Minutes of 552nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 19.2.2016

Present

Director of Planning
Mr K. K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Professor P.P. Ho

Mr Laurence L.J. Li

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Stephen H. B. Yau

Mr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Assistant Commissioner for Transport (Urban),
Transport Department
Mr W.L. Tang

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

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

Assistant Director (R1), Lands Department
Mr Simon S.W. Wang

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

Secretary

Absent with Apologies

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Ms Bonnie J.Y. Chan

Mr Patrick H.T. Lau

In Attendance

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

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

Town Planner/Town Planning Board
Ms Winnie W.Y. Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 551st MPC Meeting held on 5.2.2016

[Open Meeting]

1. The Secretary reported that the Environmental Protection Department (EPD) and Transport Department (TD) had provided comments on paragraphs 13, 16 and 119 of the draft minutes of the 551st MPC meeting held on 5.2.2016 which were tabled at the meeting for Members' consideration. The revised paragraphs were set out below:

“13. In response to a Member’s questions on soil contamination of the existing open space at Cadogan Street, Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD), said that there were residual contaminants from the ex-incinerator and the slaughter house at the site. The contaminants under the existing temporary park were found largely at 4 m to 9 m below ground level and would not have any immediate impact on users of the park. However, for the long-term developments, the contaminants should be treated especially if site formation works were required for development. In response to the Chairman’s further enquiry, Mr Tang said that soil contamination at the site including the existing open space was part and parcel of a designated project under the Environmental Impact Assessment (EIA) Ordinance. He said that the EIA report was completed and approved by EPD in April 2015 and the Environmental Permit (EP) was granted in June 2015. A Member asked whether priority could be given to release the waterfront portion of the site earlier during the de-contamination works. In response, Mr Tang said that it would be subject to the development programme and other technical considerations and any variations to the programme might require a new EP.

16. In response to a Member’s enquiry, Mr Tang said that there was no plan to extend any new strategic road to the Kennedy Town area at this stage and improvement measures had already been proposed to address the capacity problem of the key junctions of Victoria Road, Cadogan Street and Belcher’s Street as mentioned above.

119. *A Member raised concern on the design of the proposed podium which served as a noise mitigation measure, and whether there was any plan for relocation of the waterfront industrial-related uses. Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department, said that the existing industrial activities, including cement factories and recycling business, had imposed potential constraints to the development of the “CDA” sub-zones, mainly on noise and air quality aspects. However, it was considered that the industrial activities would not generate excessive noise impact on the surrounding area and the noise impact, including traffic noise, could be addressed by adopting appropriate mitigation measures in the building design. On air quality aspect, the existing cement factory, sewage treatment plant and the Wholesale Fish Market would not have adverse air quality and odour impacts as demonstrated in the air quality impact assessment submitted by the applicant. Details of the noise mitigation measures would be included in various revised impact assessments to be submitted by the applicants.”*

2. The draft minutes were then confirmed subject to the amendments as suggested by EPD and TD.

Agenda Item 2

[Open Meeting]

Matters Arising

(i) Applicant’s Recent Decision in respect of Application No. A/K1/250

3. The Secretary reported a matter arising from a planning application No. A/K1/250 (the application) approved with conditions by the Committee on 21.8.2015 for proposed eating place, shop and services, place of entertainment, and place of recreation, sports or culture uses with ancillary facilities at Salisbury Garden, the Avenue of Stars (AOS) and TST Promenade to facilitate the proposed revitalisation of the existing AOS and the TST waterfront. On 16.2.2016, a letter was received from one of the applicants of the application, i.e. the Leisure and Cultural Services Department (LCSD), which stated that it would not

proceed with the expansion/construction works in respect of Hubs 1 to 3 along the Tsim Sha Tsui (TST) Promenade and the use of an area within Salisbury Garden as eating place as permitted under the application. The letter was tabled at the meeting for Members' information. Members noted the decision of LCSD.

4. The Secretary said that on 17.11.2015, a judicial review (JR) application was lodged by Murdoch Investments Incorporation and Shangri-la Hotel (Kowloon) Limited against the Committee's decision to approve the application. Leave for the JR application had not yet been granted. A public engagement exercise on the proposed design of the revitalisation plan was conducted by LCSD from September to November 2015.

[Closed Meeting]

5. This part was recorded under confidential cover.

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

Tsuen Wan and West Kowloon District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the Approved Cheung Sha Wan Outline Zoning Plan No. S/K5/35
(MPC Paper No.2/16)

6. The Secretary reported that a petition letter was submitted by Mr Yuen Hoi Man, a Sham Shui Po District Councillor, immediately before the meeting stating that the public consultation of the proposed rezoning of the "Government, Institution or Community" ("G/IC") site at Cheung Shun Street was conducted in haste and public comments had not been addressed. Mr Yuen also requested the Town Planning Board not to publish the

proposed amendments to the Cheung Sha Wan Outline Zoning Plan (OZP) for public inspection.

Presentation and Question Sessions

7. With the aid of a PowerPoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the proposed amendments as detailed in the Paper and covered the following main points :

Proposed Amendments to the OZP

- (a) Amendment Item A – it was proposed to rezone the Yu Chau West Street Site (Site A) from “G/IC” to “Other Specified Uses” annotated “Business 5” (“OU(B)5”) with a maximum plot ratio (PR) of 12 and a maximum building height restriction (BHR) of 130mPD. With a site area of about 0.29 ha, it was estimated that Site A could provide about 34,800m² of non-domestic gross floor area (GFA). The provision of a permanent refuse collection point (RCP) was stipulated in the Notes of the OZP and the RCP would be GFA accountable;

- (b) Amendment Item B – it was proposed to rezone the Cheung Shun Street Site (Site B) from “G/IC” to “Commercial 6” (“C(6)”) with a maximum PR of 12 and a maximum BHR of 120mPD. For better air ventilation, a minimum setback of 4m from the boundary of the site abutting Cheung Shun Street was proposed. A non-building area (NBA) of 15m in width was also proposed to be designated along the eastern boundary of the site. To meet the parking demand of the area, a public car park with a minimum of 85 public parking spaces for private cars/light goods vehicles would be provided on site as requested by the Transport Department;

Background

Amendment Item A

- (c) Site A was currently partly occupied by Yu Chau West Street Cooked Food

Hawker Bazaar (CFHB) and a temporary RCP (i.e. Wing Hong Street Temporary RCP) and partly a temporary works area. The Food and Environmental Hygiene Department (FEHD) had confirmed that there was no need to continue the operation of CFHB due to its low utilization rate and there was already provision of food businesses in the nearby area to meet the need of workers in the area. However, as Wing Hong Street Temporary RCP was currently handling a large volume of municipal waste, the continuous operation of the RCP was necessary so that the service within the catchment area would not be disturbed. Since no permanent site was available within the catchment area of Wing Hong Street Temporary RCP for reprovisioning, a permanent RCP was required within the future development at Site A;

[Mr Frankie W.C. Yeung and Mr Laurence L.J. Li arrived to join the meeting at this point.]

Amendment Item B

- (d) upon review of the “G/IC” site at Cheung Shun Street near Lai Chi Kok Road, the concerned bureau/departments agreed that the “G/IC” site would no longer be required for government, institution and community (GIC) uses and it could be released for private development;

Departmental Consultation

- (e) relevant government departments had been consulted on Amendment Items A and B and they considered that the proposed developments would not have significant impact/insurmountable problem on traffic, environmental, infrastructural capacity, visual compatibility, air ventilation and landscape aspects. For Amendment Item B, there was an existing petrol filling station with liquefied petroleum gas provision located to the south. The Electrical and Mechanical Services Department (EMSD) considered that the proposed commercial development would unlikely have insurmountable problem on risk aspect;

Consultation with Sham Shui Po District Council (SSPDC)

Amendment Item A

- (f) the SSPDC was consulted on the proposed rezoning of Site A on 23.6.2015. While the majority of the SSPDC members supported or had no in-principle objection to the rezoning proposal, they expressed concerns about the size, design, operation and management/maintenance responsibilities of the proposed RCP co-located with the business development, as well as adequacy of catering facilities in the area to meet the need of the working population following the closure of the CFHB. They strongly requested the Government to ensure that the operation capacity of the future RCP would be large enough to help relieve the overloading situation of the existing RCPs in the vicinity;
- (g) the SSPDC further discussed the zoning amendment on 25.8.2015. The SSPDC passed a motion to support the rezoning of Site A with the request to meet the community need by building a permanent RCP with enhanced design at the site;
- (h) on 2.2.2016, the Planning Department (PlanD) and FEHD consulted the SSPDC again on the rezoning proposal. SSPDC passed a motion requesting PlanD and FEHD to promise and undertake for early diversion of the wastes from the Cheung Wah Street RCP to the Wing Hong Street RCP or other RCPs, in order to achieve the permanent closure of the Cheung Wah Street RCP;

Amendment Item B

- (i) on 2.2.2016, PlanD consulted the SSPDC on the proposed rezoning of Site B. Most SSPDC members objected to the proposal. The SSPDC passed a motion stating that the SSPDC was concerned about the possible impacts on air ventilation, parking space provision, light pollution, traffic as well as community and public facilities brought by the proposed amendment to the nearby residents and stakeholders, and requested the Government to withdraw the proposed amendment and to conduct a comprehensive

consultation exercise with the stakeholders in the local community;

- (j) written comments from the concerned SSPDC Member, owner committees, incorporated owners and residents of nearby residential developments were also received. They objected to the proposed rezoning and expressed concerns on the impacts of the proposed commercial development on the environment and traffic of the surrounding areas;
- (k) relevant government departments had provided responses to the views expressed by the SSPDC and the written comments. To address the concern on the provision of public car parking space, the requirement for such provision had been increased from 75 to 85 and included in the proposed zoning amendment; and
- (l) the SSPDC will be further consulted during the plan exhibition period should the Committee agree to the proposed amendments to the OZP.

8. The Chairman asked DPO/TWK to elaborate the SSPDC's major concerns on the amendment items and the responses of relevant government departments. In response, Mr Lawrence Y.C. Chau, DPO/TWK, said that for Amendment Item A, the SSPDC requested that the operation capacity of the future RCP at Site A should be large enough to help relieve the overloading situation of the existing RCPs in the vicinity, particularly Cheung Wah Street RCP within Lai Bo Garden. Most of the DC members raised concern about the nuisance and hygiene problems brought by Cheung Wah Street RCP to the residents of Lai Bo Garden, and opined that Site A should accommodate a larger RCP so as to facilitate the closure of Cheung Wah Street RCP. In response to the SSPDC's concern, FEHD had extended the operation hours of the Wing Hong Street Temporary RCP so as to facilitate the diversion of waste from the Cheung Wah Street RCP. FEHD was also investigating the feasibility of enlarging the capacity of the future permanent RCP at Site A. FEHD considered that the continuous operation of Cheung Wah Street RCP was necessary so that the service within its catchment area (about 500m) would not be disturbed and its closure would bring inconvenience to private refuse collectors and residents, causing significant garbage collection and hygiene problems. Mr Chau said that the SSPDC members noted the current constraints of RCP in the area and FEHD's revised arrangement. In response to the

Vice-chairman's further query, Mr Chau said that the SSPDC members had passed a motion supporting the proposed rezoning of Site A, but raised concern about the arrangement of the RCPs and considered the zoning amendment an opportunity to resolve the refuse collection problem.

9. Mr Lawrence Y.C. Chau continued to say that for Amendment Item B, SSPDC members raised concern about the possible adverse impacts on air ventilation, light pollution, traffic and parking spaces provision brought by the proposed development. As far as air ventilation impact was concerned, an air ventilation assessment (AVA) by computational fluid dynamics (CFD) had been conducted. Mitigation measures including a 4m setback from Cheung Shun Street and a 15m wide NBA along the eastern boundary of Site B were recommended. It was expected that the proposed development would not significantly affect the overall wind performance. Besides, in order to address the SSPDC's concern regarding parking spaces provision, the public car parking spaces requirement had been increased from 70 to 85 in order to meet the parking demand of the area. As far as traffic impact was concerned, Site B was well served by major roads, i.e. Lai Chi Kok Road and Cheung Sha Wan Road. As the proposed development was relatively small in scale, it was expected that the proposed development would only lead to an increase of about 200 vehicles per hour during peak hours and significant traffic impact was not expected. As to the concerns on light pollution, actions had been taken by the Environment Bureau (ENB), Environmental Protection Department (EPD) and EMSD. The Guidelines on Industry Best Practices for External Lighting Installations were promulgated to outline some general good practices on design, installation and operation of external lighting installations particularly on LED lighting as it would likely induce significant glare impact. The Guidelines covered the operating hours for lighting, e.g. to switch off lighting installation after 11pm, and the design of lighting installations to avoid glare impact on nearby residents. Besides, the Charter on External Lighting would be launched by ENB.

10. In response to the Chairman's query regarding the GIC provision in the area, Mr Lawrence Y.C. Chau said that although there were shortfall of one sports centre and 115 secondary school classrooms in the Cheung Sha Wan (CSW) area, there was no deficit of such provision in the Sham Shui Po (SSP) District. As for the sports centre, there should be one for every 50,000 to 65,000 persons according to the Hong Kong Planning Standards and Guidelines. A total of seven sports centres were required for the planned population (i.e.

500,000) in the SSP District. There were six existing sports centres and one planned sports centre in the district. As for the secondary school classrooms, although there were shortfall of 115 classrooms in the CSW area, there were surplus of 220 classrooms in the SSP district.

11. The Chairman asked DPO/TWK to show the locations of residential developments, the residents of which had raised concern on the zoning amendment of Site B. In response, Mr Lawrence Y.C. Chau said that Site B was surrounded by “OU(B)” use on its eastern and northeastern sides, the Tsing Sha Highway on its western side, and industrial buildings on its southern side. The major residential developments including Banyan Garden and Liberte (i.e. the Four Little Dragons) in the Southwest Kowloon were located on the southeastern side of the site. Based on the photomontage as viewed from the SSP Sports Ground, it was noted that the residential developments were located at a certain distance away from Site B and were not facing the site directly.

12. A Member asked why only motor vehicle showroom subsumed under ‘Shop and Service’ use was always permitted on ground floor of an industrial/industrial-office building within the “OU(B)” zone while other ‘Shop and Service’ use required planning permission from the Town Planning Board. In response, Mr Lawrence Y.C. Chau said that for industrial/industrial-office buildings under Schedule II of the “OU(B)” zone, only motor vehicle showroom subsumed under ‘Shop and Service’ use was always permitted. As for pure commercial buildings under Schedule I of the “OU(B)” zone, ‘Shop and Service’ use was always permitted. The Chairman further said that a developer could choose to build a commercial building or an industrial/industrial-office building under the “OU(B)” zone.

13. In response to the same Member’s question regarding the rationale of PlanD for proposing “OU(B)5” and “C(6)” zones for Site A and Site B respectively, Mr Lawrence Y.C. Chau said that the zoning amendments were proposed after considering their land use compatibility with the surrounding area. As Site A was located at the fringe of the Cheung Sha Wan Industrial/Business Area and was predominantly surrounded by industrial and industrial-office buildings with active industrial uses within the “OU(B)” zone, rezoning Site A to “OU(B)” was considered compatible with the surrounding land use. As for Site B, despite the fact that “OU(B)” use was found in the vicinity of the site, as there were residential developments located to the southeast of the site, it was considered that rezoning Site B to “C” would be more appropriate. In fact, there were a number of commercial

buildings including the Cheung Sha Wan Plaza and the Lai Sun Commercial Centre locating near Site B.

14. A Member asked whether the proposed development at Site B would induce adverse air ventilation impact as the site was located at the gateway for the south-westerly breeze in the CSW area based on the findings of an earlier AVA by Expert Evaluation. In response, Mr Lawrence Y.C. Chau said that an AVA by CFD had been conducted for the proposed development at Site B. The report on the major findings of the AVA by CFD was appended in Attachment VI of the Paper for Members' information. According to paragraph 5 of the report, as compared to the baseline scenario, the overall ventilation performance of the proposed scheme under annual wind condition had been increased from 0.10 to 0.17 with the incorporation of the proposed mitigation measures. The ventilation performance under summer wind condition had also been increased from 0.15 to 0.21. In general, the overall ventilation performance was slightly better under the proposed scheme as compared to the baseline scheme.

15. The same Member further asked whether the results of the AVA for the proposed development at Site B were acceptable. In response, the Chairman said that since Hong Kong had yet to develop the benchmark standards for AVA, the only conclusion that could be drawn from the AVA findings was that with the mitigation measures, i.e. a 4m setback from Cheung Shun Street and a 15m wide NBA along the eastern boundary of the site, the proposed scheme with a maximum PR of 12 and maximum BHR of 120mPD would not result in an overall ventilation performance worse than that of the baseline scenario.

16. The Vice-chairman asked about the current situation of industrial transformation in the CSW area. In response, Mr Lawrence Y.C. Chau said that the east of CSW area was predominantly occupied by residential developments. As for the west of CSW area which was mainly zoned "C" and "OU(B)", the area was increasingly occupied by industrial/office and commercial buildings. In general, Site A was mainly surrounded by industrial uses while Site B was mainly surrounded by commercial/business uses.

17. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Cheung Sha Wan OZP and its Notes and that the draft Cheung Sha Wan OZP No. S/K5/35A (to be renumbered to S/K5/36 upon exhibition) and its Notes are suitable for exhibition under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) for the draft Cheung Sha Wan OZP No. S/K5/35A as an expression of the planning intentions and objectives of the Town Planning Board for various land use zonings of the OZP and the revised ES will be published together with the OZP.

[The Chairman thanked Mr Lawrence Y.C. Chau, DPO/TWK and Mr Philip Y.L. Chum, STP/TWK for their attendance to answer Members' enquiries. They left the meeting at this point.

Agenda Item 4

Section 16 Application

[Open Meeting]

A/KC/435 Place of Recreation, Sports or Culture, Shop and Services in "Industrial" zone, Flat A, G/F, On Fook Industrial Building, 41 – 45 Kwai Fung Crescent, Kwai Chung, New Territories
(MPC Paper No. A/KC/435)

Presentation and Question Sessions

18. The Committee noted that the applicant requested on 1.2.2016 for deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to supplement additional information in response to the comments from the Fire Services Department. It was the first time that the applicant requested for deferment of the application.

19. 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 further information and no further deferment should be granted unless under very special circumstances.

Hong Kong District

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/H3/7

Application for Amendment to the Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/29 and Approved Central District Outline Zoning Plan No. S/H4/14, To rezone the application site from an area shown as 'Road' to

(1) "Open Space (1)" and "Other Specified Uses" annotated "Environmentally Friendly Public Transport System"; or

(2) "Other Specified Uses" annotated "Pedestrian Area and Environmentally Friendly Public Transport System", Des Voeux Road Central (from Morrison Street to Pedder Street)

(MPC Paper No. Y/H3/7)

Presentation and Question Sessions

20. The Secretary reported that the application was based on, inter alia, reports and study findings published by the Hong Kong Institute of Planners (HKIP) and the Chairman and the Secretary had declared interests in the item:

Mr K.K. Ling
(the Chairman)

- being a Fellow of HKIP and had previously participated in the work of a Working Party formed by HKIP and the Chartered Institute of Transport in putting forward the concept of pedestrianisation of Des Voeux Road Central between Western Market and Pedder Street (DVRC Scheme) in 2000. A report on the DVRC Scheme was published in 2001

Mr Raymond K.W. Lee
(the Secretary)

- being the Immediate Past President of HKIP and had previously participated (in his capacity as President of HKIP) in HKIP's promotion of the DVRC Scheme together with other collaborating parties (including MVA Traffic Consultants, City University School of Energy and Environment, and Civic Exchange) in April 2014 when an updated Report on the DVRC Scheme was submitted to the Chief Executive Office and announced in a press conference held on 28.4.2014

21. As the application was not submitted by HKIP and HKIP had not submitted any comment on the application, the interests of the Chairman and the Secretary were remote and the Committee agreed that they should be allowed to stay in the meeting.

22. The Committee noted that the applicant's representative requested on 3.2.2016 for deferment of the consideration of the application for two months in order to allow time to raise funds to conduct technical studies and research required to respond to relevant departmental comments. It was the second time that the applicant requested for deferment of the application.

23. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment should be granted unless under very special circumstances.

[Mr Ken Y.K. Wong left the meeting temporarily at this point.]

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/H20/3 Application for Amendment to the Approved Chai Wan Outline Zoning Plan No. S/H20/21, To rezone the application site from "Industrial" to "Other Specified Uses" annotated "Columbarium", 50 Ka Yip Street, Chai Wan, Hong Kong
(MPC Paper No. Y/H20/3)

24. Two petition letters submitted by two members of the Legislative Council and four members of the Eastern District Council, and the Democratic Alliance for the Betterment and Progress of Hong Kong (Eastern Branch) respectively were received immediately before the meeting.

Presentation and Question Sessions

25. The Secretary reported that the application was submitted by Kerry Warehouse (Chai Wan) Limited which was a subsidiary of Kerry Properties (Hong Kong) Limited (Kerry). The following Members had declared interests in the item:

- Mr Dominic K.K. Lam - having past business dealings with Kerry and his company owning a workshop at Cheung Lee Street, Chai Wan
- Mr Sunny L.K. Ho - jointly owning a flat and a car-parking space with his spouse at Heng Fa Chuen
- Mr Raymond K.W. Lee (the Secretary) - his spouse owning a property at Fung Yip Street, Chai Wan

26. As the applicant had requested for a deferral of consideration of the application and the properties of Mr Lam and Mr Ho did not have a direct view of the site, the Committee agreed that they should be allowed to stay in the meeting. The Committee also noted that the interest of the Secretary was remote and agreed that he should be allowed to stay in the meeting.

27. The Committee noted that the applicant's representative requested on 25.1.2016 for deferment of the consideration of the application for three months in order to allow time for preparation of further information to respond to relevant departmental comments. It was the first time that the applicant requested for deferment of the application.

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 three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that a maximum of two months were allowed for preparation of the submission of further information and no further deferment should be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H3/425 Proposed Eating Place and Shop and Services on the 4th and 5th floors of Proposed Composite Commercial/Residential Development in "Residential (Group A) 12" and "Residential (Group A)" zones and an area shown as 'Road', 37-39 Elgin Street and 73-73E Caine Road, Sheung Wan
(MPC Paper No. A/H3/425)

Presentation and Question Sessions

29. The Secretary reported that the application was submitted by Sun Crystal Limited which was a subsidiary of Henderson Land Development Company Limited (HLD), with CKM Asia Limited (CKM) and BMT Asia Pacific Limited (BMT) as two of the consultants of the applicant. The following Members had declared interests in the item:

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| Mr Patrick H.T. Lau | - having current business dealings with HLD and BMT |
| Mr Dominic K.K. Lam | - having past business dealings with HLD and BMT |
| Mr Roger K.H. Luk | - being a member of the Council of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD before |
| Dr Wilton W.T. Fok | - being an employee of CUHK which received a donation from a family member of the Chairman of HLD before |

Professor P.P. Ho

- having current business dealings with CKM, being an employee of CUHK which received a donation from a family member of the Chairman of HLD before and his spouse owning a flat in Third Street and a flat in Kui Yan Lane

Mr Clarence W.C. Leung

- his mother owning a flat at Sai Ying Pun

30. The Committee noted that the applicant had requested for a deferral of consideration of the application. As Mr Lam, Mr Luk, Dr Fok and Professor Ho had no involvement in the application and the properties of Professor Ho's spouse did not have a direct view of the site, the Committee agreed that they should be allowed to stay in the meeting. The Committee noted that Mr Lau and Mr Leung had tendered apologies for being unable to attend the meeting.

31. The Committee noted that the applicant's representative requested on 4.2.2016 for deferment of the consideration of the application for two months in order to allow time to address the departmental comments. It was the third time that the applicant requested for deferment of the application.

32. 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 further information. Since it was the third deferment of the application and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mr Ken Y.K. Wong returned to join the meeting and Dr Lawrence W.C. Poon left the meeting at this point.]

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HK/11 Renewal of Planning Approval for Temporary 'Public Vehicle Park (excluding container vehicle)' for a Period of 3 Years for Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents in "Residential (Group A)" zone,
(a) Car Park in Wah Fu (I) Estate, Pokfulam
(b) Car Park in Wah Fu (II) Estate, Pokfulam
(c) Car Park in Yue Fai Court, Aberdeen
(MPC Paper No. A/HK/11)

Presentation and Question Sessions

33. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA). The following Members had declared interests in the item:

Mr K.K. Ling (the Chairman) <i>as the Director of Planning</i>	- being a member of the Strategic Planning Committee and the Building Committee of HKHA
Mr Martin W.C. Kwan <i>as the Chief Engineer (Works) of Home Affairs Department</i>	- being an alternate member for the Director of Home Affairs who is a member of the Strategic Planning Committee & Subsidized Housing Committee of HKHA

- | | |
|-----------------------|--|
| Ms Julia M.K. Lau | - being a member of the Commercial Properties Committee and Tender Committee of HKHA |
| Mr Patrick H.T. Lau | - having current business dealings with HKHA |
| Mr Dominic K.K. Lam | - having past business dealings with HKHA |
| Professor P.P. Ho | - being a member of the Building Committee of HKHA |
| Dr Lawrence W.C. Poon | - his wife working in the Housing Department (HD) but having no involvement in the application |

34. The Committee noted that Ms Lau and Mr Lau had tendered apologies for being unable to attend the meeting and Dr Poon had already left the meeting. As the interests of the Chairman, Mr Kwan and Professor Ho were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Committee also agreed that Mr Lam should be allowed to stay in the meeting. As the Chairman had to leave the meeting, the Committee agreed that Mr Roger K.H. Luk, the Vice-chairman, should take over and chair the meeting for the item.

[The Chairman and Mr Martin W.C. Kwan left the meeting temporarily and Professor P.P. Ho left the meeting at this point.]

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park

(excluding container vehicle) (letting of surplus monthly vehicle parking spaces to non-residents) under application No. A/HK/8 for a period of 3 years from 17.4.2016 to 16.4.2019;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, two public comments with general views were received from a Southern District Councillor and an individual. The Southern District Councillor stated that multiple complaints were received concerning the allocation arrangement of monthly parking spaces at Yue Fai Court, lack of space for wet-market operators and that the application should not be renewed automatically. An individual commented that the floor area of the surplus vehicle parking spaces at Wah Fu Estate should be released for the provision of community facilities that were in deficit; the location was not convenient to Aberdeen and the non-resident users of the surplus vehicle parking spaces were unknown, etc.; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of 3 years based on the assessments made in paragraph 11 of the Paper. The application was generally in line with the planning criteria set out in the Town Planning Board Guidelines (TPB PG-No. 34B) in that there was neither material change in planning circumstances since the previous temporary approval was granted nor change in the land uses of the surrounding areas; there was no adverse planning implication arising from the renewal of the planning approval; the proposed temporary period of 3 years was considered reasonable as the vacant vehicle parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. Regarding the public comments, the above assessments were relevant.

36. A Member asked why the applicant was required to submit the application for planning permission for letting the vehicle parking spaces within the public housing estates to non-residents. In response, the Secretary said that the sites under application were zoned “Residential (Group A)”, according to the Notes of the respective Outline Zoning Plans, ancillary car park use was always permitted whilst ‘Public Vehicle Park (excluding container vehicle)’ required planning permission from the Town Planning Board. As the application, i.e. letting the surplus vehicle parking spaces to non-residents, involved a change from the existing ancillary car park use to ‘Public Vehicle Park (excluding container vehicle)’ use, planning permission for such use was required.

37. The Vice-chairman asked why there was a reduction in the total number of monthly private car parking spaces from 450 to 415 in Wah Fu (I) Estate as the application merely involved letting the surplus vehicle parking spaces to non-residents. In response, Miss Jessica Lee, STP/HK, said that the reduction of 35 monthly private car parking spaces was due to the allocation of monthly private car parking spaces for hourly parking, conversion of private car parking spaces for motorcycle parking and deletion of private car parking spaces.

38. In response to the Vice-chairman’s query on the term ‘privileged hourly parking’ as mentioned on page 3 of the Paper, Miss Lee said that she had no information on hand.

[Post meeting note: PlanD clarified that the word ‘privileged’ was a typographical error of HD and the term should read as ‘hourly parking’.]

Deliberation Session

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 17.4.2016 to 16.4.2019, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

“Priority should be accorded to the respective residents of Wah Fu (I) Estate, Wah Fu (II) Estate and Yue Fai Court in the letting of the vacant vehicle parking

spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper.

[The Vice-chairman thanked Miss Jessica Lee, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

[The Chairman and Mr Martin W.C. Kwan returned to join the meeting at this point.]

Agenda Item 9

Any Other Business

40. There being no other business, the meeting closed at 10:10 a.m..