

TOWN PLANNING BOARD

Minutes of 612th Meeting of the Metro Planning Committee held at 9:00 a.m. on 21.9.2018

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Mr Stephen H.B. Yau

Dr Lawrence W.C. Poon

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Eddie S.K. Leung

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr Tony W.H. Cheung

Assistant Director (Regional 1), Lands Department
Mr Simon S.W. Wang

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr Sunny L.K. Ho

Dr Frankie W.C. Yeung

Mr Wilson Y.W. Fung

Mr Stanley T.S. Choi

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Kepler S.Y. Yuen

Town Planner/Town Planning Board
Mr Harris K.C. Liu

Agenda Item 1

Confirmation of the Draft Minutes of the 611th MPC Meeting held on 7.9.2018

[Open Meeting]

1. The Secretary reported that subsequent to the circulation of the draft minutes of 611th MPC meeting to Members, the following proposed amendments to paragraph 35 were received :

“35 Mr David C.V. Ngu, Chief Traffic Engineer/Kowloon, supplemented that apart from the above justifications provided by the applicant, the ~~application site was easily accessible to MTR station~~ *applicant’s proposal included a connection with the existing subway leading to the nearby MTR station which was within walking distance* and therefore the C for T had no objection to ~~the nil provision of carparking spaces~~ *the application.*”

2. The Committee agreed that the draft minutes of the 611th MPC meeting held on 7.9.2018 were confirmed subject to the above amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Amendment to Confirmed Minutes of 610th MPC meeting held on 17.8.2018

3. The Secretary reported that an editorial error was found in paragraph 53(b) of the confirmed minutes of the 610th MPC meeting, which should be revised to read as follows:

“(b) a proposed development at the “Comprehensive Development Area” (“CDA”) zone to the east of the site had been approved and it would have ~~a total population of about 2,000 flats~~.....”

4. The Committee agreed that the confirmed minutes of the 610th MPC meeting held on 17.8.2018 should be revised to incorporate the above amendment, and the revised minutes would be uploaded to the Town Planning Board website and be sent to the applicant

accordingly.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/KC/14 Application for Amendment to the Draft Kwai Chung Outline Zoning Plan No. S/KC/29, To Rezone the Application Site from “Industrial” to “Other Specified Uses” annotated “Columbarium (2)”, Kwai Chung Town Lot 383, 19-21 Wing Kin Road, Kwai Chung, New Territories
(MPC Paper No. Y/KC/14A)

5. The Secretary reported that the application involved a proposed columbarium. The following Members had declared interests on the item:

Mr Lincoln L.H. Huang]	being Members of the Private Columbaria Appeal Board.
(<i>Vice-chairman</i>)]	
Mr Sunny L.K. Ho]	

6. The Committee noted that Mr Sunny L.K. Ho had tendered an apology for being unable to attend the meeting and the applicant had requested deferment of consideration of the application. As the interest of the Vice-chairman was indirect, the Committee agreed that he could stay in the meeting.

7. The Committee noted that the applicant’s representative requested on 6.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted a revised technical assessment and responses to departmental comments.

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

Presentation and Question Sessions

11. With the aid of a PowerPoint presentation, Ms. Katy C.W. Fung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services, eating place, office and school (cookery-related);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application. The District Officer (Sham Shui Po) (DO(SSP)) advised that the Sham Shui Po District Council (SSPDC) discussed the application at its meeting held on 5.9.2017. SSPDC members considered the existing building was a historical landmark of the district as well as the collective memory of the local residents, and expressed concerns on the traffic impact arising from the proposed development;
- (d) during the first three weeks of the statutory publication periods, a total of 390 public comments were received from the Central and Western Concern Group, The Conservancy Association, Designing Hong Kong Limited, two SSPDC members and individuals. All comments raised objection to and/or concerns on the application, except one comment indicated no view. Major views were set out in paragraph 11 of the Paper; 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. The proposed development located at a corner site of a residential cluster and in an area mixed with Government, Institution and Community (GIC) facilities and commercial developments was not incompatible with the surrounding land uses. Although it was not in line with the planning

intention of the “Residential (Group A)7” (“R(A)7”) zone, the application warranted special consideration as the site had all along been occupied by The Garden for non-domestic use since 1960, and the proposed development could allow most of the key existing uses and activities of The Garden to be continued at the site. Besides, the site was the subject of two planning applications for similar commercial/office development approved by the Committee in 1995. Having considered the special circumstances of the unique history of the site, approval of the application would not set an undesirable precedent for similar applications. Also, the application complied with the Town Planning Board Guidelines No. 5 in that the site was easily accessible and well served by public transport, and concerned departments, including the Buildings Department and the Transport Department, had no objection to or no adverse comment on the application. Since the existing building had been accorded with Grade 2 historic building status, the applicant proposed a preservation-cum-development approach to incorporate the clock, two “bakery chef” logos as well as the concept of large white characters “Garden” with the red band on the new building façade. A display corner of local products and photo records of The Garden bakery history would also be provided in the new building. Both the Commissioner for Heritage’s Office (CHO) and the Antiquities and Monuments Office (AMO) had no objection to the application and recommended to impose an approval condition requiring the preservation and incorporation of the said elements in the design of the new building, if the application was approved. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

12. Some Members raised the following questions:

Conservation of the Historic Building

- (a) noting that the existing building was accorded with Grade 2 historic building status and efforts should be made to selectively preserve, how the applicant’s proposed preservation-cum-development approach could achieve such objective;

- (b) noting that there were several Grade 2 and Grade 3 historic buildings in the vicinity of the site, how those historic buildings were preserved and whether approval of the application would have implication on conserving the graded historic buildings in the vicinity;
- (c) with reference to Drawing A-26 of the Paper, why the building façade of the proposed development was different from the one in photomontage at viewpoint B shown in the PowerPoint presentation;
- (d) what key character defining elements would be preserved and incorporated into the latest building design;
- (e) the details of key character defining elements identified by the Antiquities Advisory Board (AAB) and whether the Chinese character of “Garden” was required to be preserved;
- (f) what the presence appearance of the clock tower was;
- (g) the current uses within the existing building and whether the current uses would be continued in the new building;
- (h) whether the proposed display corner would be open to the public;
- (i) whether the CHO and AMO had provided individual comments on the application;

Development Restrictions and Parameters

- (j) information on the maximum plot ratio for commercial building in “R(A)” and “Commercial” (“C”) zones in the Cheung Sha Wan Outline Zoning Plan (OZP) and whether there was any similar application in the same OZP;
- (k) whether the 2m-setback along the frontage facing Kowloon Road would

have any gross floor area (GFA) implication;

- (l) elaboration of the major concerns of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD on the building deposition of the proposed development and the visual corridor along Yen Chow Street;
- (m) clarification of the comments of the Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD) which indicated no comment on the public comments;

Local Consultation

- (n) noting that the SSPDC was consulted before the confirmation of Grade 2 historic building status of the existing building and had adverse comments on the current application, whether the SSPDC had been consulted again after the existing building was graded and whether there was any statutory requirements to consult the District Council on the planning application; and

Others

- (o) the relationship between the applicant and the land owner;

13. Ms. Katy C.W. Fung, STP/TWK, made the following responses:

Conservation of the Historic Building

- (a) the applicant submitted further information on 30.7.2018 which proposed the preservation-cum-development approach to address comments of AMO. The AMO and CHO considered that the applicant's submission generally addressed AAB's recommendations which required preservation of the existing building's character defining elements and had no objection to the application;
- (b) there were three Grade 2 historic buildings, namely SCAD Hong Kong (SCAD), YHA Mei Ho House Youth Hostel (YHA Hostel) and Precious Blood Convent; two Grade 3 historic buildings, namely Precious Blood

Hospital and No. 75 Un Chau Street (under proposed Grade 3 status); and one historic building pending grading assessment, namely Saviour Lutheran Church. Among which, only the SCAD and YHA Hostel had been revitalised for other uses. Other historic buildings remained as GIC use, except No. 75 Un Chau Street which was under private ownership and for residential use. Notwithstanding the above, conservation proposal of historic building should be considered on case-by-case basis;

- (c) the building façade of the proposed development shown in Drawing A-26 of the Paper was the latest design with incorporation of various preservation elements, such as the “clock”, “bakery chef” logos and large white characters of “Garden”, on the building façade. The photomontage shown in the PowerPoint presentation was extracted from the applicant’s submission in Appendix Ih of the Paper, which was submitted before the applicant’s revised proposal to address AMO’s comments;
- (d) according to the applicant’s proposal in Appendix In of the Paper, the clock with the piece of red façade, instead of the clock tower, and two “bakery chef” logos with white façade would be preserved and incorporated into the new building façade and, the concept of large white characters “Garden” with the red band would be reinterpreted in the design of the new building;
- (e) with reference to the minutes of AAB meeting held on 22.3.2018 shown on the visualizer, some elements including the clock tower, the “Garden” and the “bakery chef” logos on the external walls were identified as key character defining elements. The AAB was of the view that the display and interpretation of a long-established local brand and bakery products should be provided to maintain the collective memories and characteristics of the existing building, and the redevelopment of the existing building should incorporate the key character defining elements to reflect the heritage value and Grade 2 status. However, the AAB did not clearly specify whether the Chinese or English characters of “Garden” should be preserved;

- (f) with reference to the site photos shown in Plan A-5 of the Paper, the clock tower was not a standalone structure, but attached to the upper floors of the existing building;
- (g) there were an exhibition gallery, a shop and a café on the ground floor of the existing building and all of these facilities were open to the general public. According to the applicant's proposal, a display corner for its products and photo records as well as shops and eating place selling its products would be located on 1/F of the new building. An additional cookery-related school would be provided on 8/F to 10/F of the new building;
- (h) according to the applicant's proposal, the proposed display corner would be managed and operated by the applicant and open to the general public;
- (i) comments on heritage conservation aspects set out in the Paper were jointly provided by the CHO and AMO;

Development Restrictions and Parameters

- (j) the maximum plot ratio for non-domestic building for the "R(A)7" zone was 9 as stipulated on the OZP, while that for the "C" zone was 12. There were a total of six similar applications approved before 1993. Among which, two applications were implemented, while the remaining four applications had not been implemented and those sites remained as residential use;
- (k) the 2m-setback was included in the site area for calculation of the total GFA of the site;
- (l) a small hill, namely "The Hill of Garden" (嘉頓山), located to the northeast of the site was a popular hiking spot and public vantage point, and Yen Chow Street formed as a visual corridor from the hill. With reference to the photomontage at viewpoint B, the visual corridor of Yen Chow Street would be blocked by the proposed development due to the relatively high

site coverage of the lower floors, CTP/UD&L, PlanD considered that manipulation of the building configuration and provision of other mitigation measures should be considered so as to minimise the impact on the visual corridor;

- (m) CA/CMD2, ArchSD had no comment on the public comments with respect to architectural and visual impacts as the proposed building height of 110mPD was in line with the maximum building height restriction of the “R(A)7” zone;

Local Consultation

- (n) with reference to paragraph 11.2 of the Paper, the application was first published on 25.7.2017 and a majority of the adverse public comments were received during the first publication of the application. Subsequently, the SSPDC discussed the application at its meeting on 5.9.2017. Regarding consultation with the District Council on planning application, according to the general practice, the planning application and further information received would be circulated to respective District Officer (DO) for comments. Generally, DO would convey collected local views, including views of the District Council, to PlanD for consideration. DO(SSP) had conveyed SSPDC’s views as set out in paragraph 10.1.11 of the Paper and the SSPDC did not further discuss the application since the said meeting in 2017; and

Others

- (o) the landowner was a subsidiary company of the applicant.

Deliberation Session

14. Some Members considered that the proposed building design could not satisfactorily preserve key character defining elements as identified by the AAB as well as the heritage value of the existing building. They expressed the following views:

- (a) the preservation-cum-development approach of the existing building was

very different from other graded historic buildings in the vicinity and might set a precedent for other historic buildings in the district. The current proposal of incorporating the clock, “bakery chef” logos and the characters of “Garden” on the building façade had not adequately preserved the architectural and heritage values of the existing building;

- (b) the proposed building design, which was similar to a typical commercial building, was unable to reflect the architectural characters of the existing building and incompatible with the key character defining elements to be preserved. Nevertheless, the continuation of existing uses in the new building could help conserve the identity of “The Garden” in the local community;
- (c) despite possible further adjustment of building disposition in detail design stage, the proposed building design could hardly address CTP/UD&L, PlanD’s comment on preserving the visual corridor along Yen Chau Street and enhancing visual permeability from “The Hill of Garden”; and
- (d) the Government should consider providing additional assistance, including incentives and expert advice, to facilitate the conservation of privately-owned historic buildings. Also, since there were a number of graded historic buildings in SSP area, a district-wide conservation approach, similar to Conserving Central, should be formulated by the Government.

15. Some other Members considered that the application was acceptable from land use planning point of view on the following considerations:

- (a) the planning intention of the “R(A)7” zone was for high-density residential development, not for conservation or preservation purpose. Unless the site was rezoned to “Government, Institution or Community” zone or other heritage conservation-related zonings, rejecting the application might encourage redevelopment of the site for permitted residential use without any preservation proposal;

- (b) the site was subject to two previously approved applications for commercial/office development and the application was generally in line with the relevant Town Planning Board Guidelines. There was no strong reason to reject the application;
- (c) under the prevailing conservation policy, limited actions could be pursued to facilitate the conservation of privately-owned historic buildings. Also, the preservation-cum-development approach for the current application should not be compared with the preservation of other government-owned historic buildings, such as the SCAD and YHA Hostel;
- (d) collective memory was a subjective concept and difficult to be taken as a material planning consideration in assessing the planning application as it did not have a specific definition; and
- (e) detailed building design of the proposed development could be scrutinised by relevant authorities.

16. The Chairman remarked that the AAB had identified key character defining elements of the existing building for preservation and accorded the Grade 2 historic building status for the existing building based on its architectural and heritage values. The current application sought planning permission to redevelop the existing building to a commercial/office development. The Committee should focus on whether the redevelopment proposal was acceptable from land use planning perspective, and whether the key character defining elements as identified by the AAB had been suitably preserved and incorporated.

17. Members generally considered that the proposed commercial and office uses and its proposed development intensity acceptable from land use planning perspective, and noted that adverse impact arising from the proposed development was not anticipated.

18. A Member was concerned whether the SSPDC should be consulted again in view of the strong public objection to the redevelopment proposal. With reference to the extract of minutes of SSPDC meeting held on 5.9.2017 (Appendix IV of the Paper), the Committee

noted that the SSPDC had opined the Board should wait until the “grading” assessment result was available before making a decision on the application. Mr Martin W.C. Kwan, Chief Engineer (Works) of Home Affairs Department supplemented that the SSPDC had no further discussion on the application since the meeting in September 2017.

19. In response to another Member’s question on whether a condition could be imposed in the land lease of the site to ensure the implementation of preserving the key character defining elements, Mr Simon S.W. Wang, Assistant Director (Regional 1) of Lands Department, said that lease modification would be required for the proposed redevelopment, should the application be approved by the Committee. Generally, PlanD and AMO would be consulted in lease modification stage, and if considered appropriate, special conditions could be imposed in the land lease.

20. With regard to the proposed building design, some Members opined that the Committee could not ensure whether all key character defining elements identified by the AAB had been incorporated into the proposed building design and whether the architectural and heritage values had been satisfactorily preserved, given the lack of full details of key character defining elements. It was also difficult for the Committee to specify prescriptive building design requirements as assessment on the building design should be on a performance basis. A Member considered that the AAB with experts in heritage conservation could be invited to scrutinise the proposed building design and comment on whether it had satisfactorily preserved the key character defining elements.

21. Members noted that the recommended approval condition (a) required the applicant to implement its proposal for preserving and incorporating key character defining elements in the new building design to the satisfaction of the AMO. Some Members expressed that since there might be different interpretations of preserving key character defining elements, for example preserving the clock tower versus the clock face, it would be more appropriate for AMO to further consult the AAB on the suitability of the proposed building design. A Member suggested that in future a mechanism to handle planning applications involving conservation of graded historic buildings might be established between the Town Planning Board and the AAB. Another Member said that a requirement similar to the recommended approval condition (a) should be imposed in the land lease for control of future development.

22. 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 21.9.2022, 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 preservation and incorporation of the key character defining elements as identified by the Antiquities Advisory Board, including the clock tower, the “Garden” and “bakery chef” logos etc. in the design of the new building to the satisfaction of the Antiquities and Monuments Office or of the TPB;
- (b) the submission of a revised Traffic Impact Assessment and implementation of the recommendations identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of ingress/egress, parking facilities (including but not limited to car ramps, car lifts, double-deck parking system, queuing spaces, etc.), loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the implementation of the 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; and
- (e) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

24. The Committee also agreed to advise the AMO to seek AAB’s comments on the applicant’s proposal of preserving the key character defining elements when considering the

compliance of the approval condition (a) as stated in paragraph 21 above.

[The meeting was adjourned for a five-minute break at this point.]

[Mr Stephen H.B. Yau, Mr Thomas O.S. Ho and Mr Alex T.H. Lai left the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/799 Proposed Shop and Services and Wholesale Trade in “Other Specified Uses” annotated “Business (1)” Zone, G/F (Portion), Hop Hing Industrial Building, 704 Castle Peak Road, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K5/799)

Presentation and Question Sessions

25. With the aid of a PowerPoint presentation, Ms. Katy C.W. Fung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services and wholesale trade;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a company and a District Council (DC) member. While the DC member objected to the application, the comment of the company was irrelevant to the application. Major objection views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed uses were generally in line with the planning intention of the “Other Specified Use” annotated “Business (1)” zone and not incompatible with other uses of the same industrial building. The application complied with the Town Planning Board Guidelines No. 22D in that it would not induce adverse fire safety, traffic and environmental impacts on the subject building and the adjacent areas; concerned departments had no objection to and no adverse comment on the application; and the aggregate commercial floor areas on the G/F of the subject building would be within the maximum permissible limit of 460m², should the current application be approved. Regarding the adverse public comment on environmental hygiene and air quality aspects, the catering-related service would need to comply with relevant licensing requirements and subject to the control of relevant regulation.

26. Members had no question on the application.

Deliberation Session

27. 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 21.9.2020, 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 equipment and a means of escape separated from the industrial portion before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition is not complied with before operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[The Chairman thanked Ms. Katy C.W. Fung, STP/TWK for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/TW/501 Proposed Shop and Services in "Other Specified Uses" annotated "Business" Zone, Portion of Workshops E & F, G/F, TML Tower, 3 Hoi Shing Road, Tsuen Wan, New Territories
(MPC Paper No. A/TW/501)

29. The Secretary reported that the site was located in Tsuen Wan. The following Members had declared interests on the item:

Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Tsuen Wan area; and

Professor John C.Y. Ng - his spouse owning a property in Tsuen Wan area.

30. The Committee noted that Mr Stanley T.S. Choi had tendered an apology for being unable to attend the meeting and the applicant had requested deferment of consideration of the application. Since the property of Professor John C.Y. Ng's spouse did not have a direct view of the site, the Committee agreed that he could stay in the meeting

31. The Committee noted that the applicant's representative requested on 6.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested 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, and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/TWW/116 Proposed House and Minor Relaxation of Plot Ratio Restriction in “Residential (Group C)” and “Village Type Development” Zones, Lot 162RP (Part) in D.D. 399 and Adjoining Government Land, Ting Kau, Tsuen Wan West, New Territories
(MPC Paper No. A/TWW/116)

33. The Committee noted that the applicant's representative requested on 5.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

34. 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 would be granted unless under very special circumstances.

Hong Kong District

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H17/138 Proposed Hotel (Partial Conversion of Existing Commercial Building on UG/F and 1/F) in “Government, Institution or Community” and “Other Specified Uses” annotated “Beach Related Leisure Use” Zones, The Pulse, 28 Beach Road, Repulse Bay, Hong Kong (RBL 368 RP)
(MPC Paper No. A/H17/138)

35. The Secretary reported that Kenneth To & Associates Limited (KTA) was one of the consultants of the applicant. Mr Daniel K.S. Lau had declared an interest on the item as his firm was having current business dealings with KTA. The Committee noted that the applicant had requested deferment of consideration of the application. Since Mr Daniel K.S. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

36. The Committee noted that the applicant’s representative requested on 30.8.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

37. 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

- (b) the proposed office, shop and services and eating place;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 18 public comments were received. Among which, eight commenters, including the Central & Western Concern Group, opposed the application, seven commenters supported the application and the remaining three commenters had not indicated whether they supported or objected to the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed office development with shop and services/eating place uses was not incompatible with the surrounding developments, it was not fully in line with the planning intention of the “Residential (Group A)9” (“R(A)9”) zone. In view of the current shortage of housing land, sites planned for residential use should be developed in general for its zoned use upon redevelopment unless with strong justifications. The applicant had not demonstrated that the site was not conducive to residential development, and warranted special consideration. Furthermore, the application did not comply with the Town Planning Board Guidelines No. 5 in that the effective area per floor available for the proposed uses would be relatively small. With regard to the two similar applications for commercial/office developments quoted by the applicant, these two applications which involved the same site had their unique background and context in that they were surrounded by existing commercial buildings, and the planning permission was first granted in 2012. Approval of the current application would set an undesirable precedent for other residential sites in the same “R(A)9” zone. Regarding the public comments, comments of concerned departments and the planning assessments above were relevant.

41. Some Members raised the following questions:
- (a) the relationship between the graded historic structure within the site (i.e. the passageway leading to Pak Tsz Lane) and the Dr Sun Yat-Sen Historical Trail;
 - (b) whether the concerned passageway was under private ownership, whether right-of-way was reserved for the general public, and whether lease modification would be required, should the application be approved;
 - (c) whether there were any mechanism to ensure the reprovision of the passageway and any requirement for the landowner to properly maintain the graded historic structure; and
 - (d) what the key elements of the passageway should be preserved and whether the length of the passageway would be affected by the setback of the proposed development.
42. Mr. J.J. Austin, STP/HK, made the following responses:
- (a) the Grade 1 historic structure of Pak Taz Lane comprised the passageway within the existing building, and the granite steps and adjoining wall located at the rear part of the existing building. Pak Tsz Lane could be considered as a cradle for the 1911 Chinese Revolution as it led to Foo Yan Man Ser (輔仁文社) located at No. 1 Pak Tsz Lane, which was a meeting place for Chinese revolutionaries. While the original building at No.1 Pak Tsz Lane had been demolished, the granite steps and the adjoining wall capped by coping concrete were believed to be the original structures of Pak Tsz Lane. The existing Pak Tsz Lane Park to the southwest of the site formed part of the Dr Sun Yat-Sen Historical Trail;
 - (b) the passageway was under private ownership and there was no right-of-way requirement in the lease. According to the comments of the Lands

Department, lease modification would not be required if the current application was approved;

- (c) the Grade 1 historic building status referred to buildings with outstanding merit, and every effort should be made to preserve it if possible. However, the grading system was an administrative measure and did not offer statutory protection to the graded buildings/structures unless they were declared as monuments in accordance with the Antiquities and Monuments Ordinance. Since the re-provided passageway would remain under private ownership, the management and maintenance responsibilities would fall on the land owner; and
- (d) according to the applicant's proposal, the existing passageway would be re-provided in the proposed development and the Antiquities and Monuments Office (AMO) had no adverse comment on the proposal. Since the applicant proposed to provide a setback of more than 1m from the lot boundary along Gage Street, the length of the re-provided passageway would be inevitably affected.

Deliberation Session

43. Members generally considered that the application was not acceptable mainly on land use planning and compatibility considerations. Nonetheless, some Members had the following comments on preserving the existing passageway within the site:

- (a) current maintenance of the existing passageway was very poor;
- (b) there would be technical difficulties in preserving the passageway with existing construction materials (i.e. column and beam structural frame, floor slabs and brick walls) of the building; and
- (c) the atmosphere and ambiance of the concerned Grade 1 structure would be affected upon redevelopment of the existing building.

44. The Committee agreed to convey the above Members' views for AMO's consideration.

45. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed office development is not in line with the planning intention of the “Residential (Group A)9” (“R(A)9”) zone which is for high-density residential developments. The approval of the application would result in a reduction of housing supply;
- (b) the applicant fails to demonstrate that the site is not conducive to residential development; and
- (c) approval of the application would set an undesirable precedent for similar applications in the same “R(A)9” zone. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.”

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

Agenda Item 10

Any Other Business

46. There being no other business, the meeting closed at 12:10 p.m..