

## **TOWN PLANNING BOARD**

### **Minutes of 619<sup>th</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 4.1.2019**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Alex T.H. Lai

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Chief Traffic Engineer (Hong Kong),  
Transport Department  
Mr Eddie S.K. Leung

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

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr Terence S.W. Tsang

Assistant Director/Regional 1, Lands Department  
Mr Damien C.M. Chan (Items 1 - 6)

Assistant Director/Regional 2, Lands Department  
Miss Sapphire P.Y. Lo (Items 7 - 8)

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

Secretary

**Absent with Apologies**

Dr Frankie W.C. Yeung

Mr Thomas O.S. Ho

Professor T.S. Liu

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms April K.Y. Kun

Town Planner/Town Planning Board  
Mr Terence H.Y. Sit

**Agenda Item 1**

Confirmation of the Draft Minutes of the 618<sup>th</sup> MPC Meeting held on 21.12.2018

[Open Meeting]

1. The draft minutes of the 618<sup>th</sup> MPC meeting held on 21.12.2018 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Hong Kong District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/H19/1                      To Rezone the Application Site from “Government, Institution or Community” to “Residential (Group C)2” or “Other Specified Uses” annotated “Residential Development with Historic Building Preserved”, Maryknoll House, 44 Stanley Village Road, Stanley, Hong Kong (RBL 333 RP)  
  
(MPC Paper No. Y/H19/1)

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3.                      The Secretary reported that Ove Arup & Partners Hong Kong Limited (ARUP) and Siu Yin Wai & Associates Limited (SYW) were two of the consultants of the applicant. The following Members had declared interests on this item:

Mr Alex T.H. Lai                      -    his firm having current business dealings with ARUP and SYW; and

Mr Franklin Yu                      -    having past business dealings with ARUP.

4.                      As Messrs Alex T.H. Lai and Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

**Presentation and Question Sessions**

5.                      The following representatives from the Planning Department (PlanD), the Development Bureau (DEVB) and the applicant were invited to the meeting at this point:

Mr Louis K.H. Kau                      -    District Planning Officer/Hong Kong (DPO/HK), PlanD

Mr Vincent W.Y. Wong                      -    Senior Town Planner/HK (STP/HK), PlanD

Mr José H.S. Yam                      -    Commissioner for Heritage (C for H), DEVB

Ms Joey C.Y. Lee	-	Assistant Secretary (Heritage Conservation)3, Commissioner for Heritage's Office (CHO), DEVB
Mr Joe F.K. Lam	-	Engineer (Heritage Conservation) Special Duties, CHO, DEVB
Ms Susanna L.K. Siu	-	Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(AM), AMO), DEVB
Ms Fiona Y.C. Tsang	-	Curator (Historical Buildings)1, AMO, DEVB
Mr Joey Chiang	]	
	]	
Mr Barry Chan	]	
	]	
Mr Jimmy Fong	]	
	]	
Ms Yan Tse	]	
	]	
Mr T.N. Chan	]	
	]	
Mr Johnson Liu	]	
	]	
Mr Eddie Tsui	]	
	]	
Mr Jean Francois Milou	]	
	]	
Ms Susan Ogge	]	
	]	Applicant's representatives
Ms Jiarong Goh	]	
	]	
Mr Ted Lam	]	
	]	
Ms Choya Yeung	]	
	]	
Mr C.M. Lee	]	
	]	
Mr Andrew Mak	]	
	]	
Miss Carla Lung	]	
	]	

Mr David Ho	]
	]
Mr Ian Brownlee	]
	]
Ms Kira Brownlee	]

6. The Chairman extended a welcome and explained the procedure of the hearing. He then invited PlanD’s representative to brief Members on the background of the application.

7. With the aid of a PowerPoint presentation, Mr Vincent W.Y. Wong, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning of the site from “Government, Institution or Community” (“G/IC”) to “Residential (Group C)2” (“R(C)2”) (Option A) or “Other Specified Uses” annotated “Residential Development with Historic Building Preserved” (“OU(RDHBP)”) (Option B) for a preservation-cum-development project for residential use and preservation of the Grade 1 historic building, i.e. the Maryknoll House. Development parameters of the two options were similar, both with a maximum building height (BH) of 75mPD / three storeys in addition to one storey of carport, plot ratio (PR) of 0.75 and site coverage (SC) of 30%;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. C for H and ES(AM), AMO considered it was justifiable to support the proposed development in exchange for the preservation of the Maryknoll House in-situ. With regard to the preservation proposals, both C for H and ES(AM), AMO welcomed the preservation of the distinctive green glazed tiled roofs and the grand staircases/chapel wing/library within the house and that the half-yearly guided tours and exhibition display were acceptable. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD advised that the development proposal generally tallied with the urban design

consideration for heritage preservation as stated in the Hong Kong Planning Standards and Guidelines (HKPSG). The overall scale of development was not incompatible with the landscape setting and the surrounding developments. The Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) also considered the proposed development would effectively blend in with the old building and the surrounding context. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication periods, 266 public comments were received from Southern District East Area Committees, Save Hong Kong Heritages and Central Concern Group, the Conservancy Association, Heritage Footprints, Hong Kong South Concern Group, private companies and individuals of the general public. While 16 public comments supported the application, there were 220 objecting comments and the remaining 30 provided general comments. Major views and supporting/objection grounds were set out in paragraph 10 of the Paper;
  
- (e) the PlanD's views – based on the assessments set out in paragraph 11 of the Paper, PlanD did not support Option A but had no objection to the approach of Option B with respect to the proposed rezoning of the site to a specific “OU” zone to preserve the Maryknoll House. C for H considered it justifiable to support the proposed development as an economic incentive in exchange for the preservation of the Maryknoll House in-situ, and policy support was given to the proposed project. Although the new main entrance would affect the visual integrity of the façade and the architectural authenticity of the Maryknoll House, ES(AM), AMO was of the view that the proposed building design had struck a proper balance between preservation and the adaptive re-use of the building. The scale of the proposed development was not incompatible with the surrounding low-rise residential neighbourhood and was in line with the overall planning intention of the Stanley area in preserving the existing character as a low-rise setting. With regard to the provision of government, institution and community (GIC) facilities, the current provision was sufficient to meet

the demand in the Stanley area and the Southern District in accordance with the HKPSG. Rezoning the site for the proposed development would not jeopardize the provision of GIC facilities in the area. PlanD did not support Option A as the proposed “R(C)2” zoning did not provide sufficient planning control to achieve the planning intention for preservation of the Maryknoll House and for monitoring the implementation of the proposed preservation-cum-development project, and the applicant failed to demonstrate how the technical concerns raised by relevant government departments could be addressed at the implementation stage. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

8. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Ian Brownlee, the applicant’s representative, made the following main points:

- (a) background of the proposed development (including the history of the Maryknoll House, lands matters with the adjoining lot and the existing planning/lease requirements);
- (b) the current “G/IC” zone did not reflect the applicant’s intention for developing the site for residential development which was permitted under the lease;
- (c) the Government’s heritage policy recognized that private property rights should be respected. The Maryknoll House was not a declared monument and therefore the applicant had no statutory requirement to preserve the building. C for H had held discussions with the land owner to explore a preservation proposal and eventually the applicant agreed to pursue the current preservation-cum-development scheme;
- (d) four development options were evaluated (no preservation of the Maryknoll House, non-in-situ land exchange, site expansion and the current preservation-cum-development scheme) and the current scheme was



considered the preferred option because the historic building could be retained while the gross floor area (GFA) permitted under the lease could be achieved. A SC of 30% was required to incorporate the new buildings;

- (e) economic incentives were important in ensuring the financial viability of the proposed development. The proposed development would comply with the lease conditions so that no land premium would need to be paid. Minimizing the time for implementation would also be crucial to the project; and
- (f) other possible uses for the building were also explored, including institutional use (e.g. school), hotel and residential uses. The first two were considered not compatible with the surrounding residential developments, and the shared vehicular access issue with the adjacent residential development would make these proposals difficult to implement. In contrast, the Maryknoll House had always been used as a residential building to serve the religious need of its previous owner and therefore residential use was considered appropriate.

9. Mr Brownlee then showed a 7-minute video with Professor Simon Thurley, former Chief Executive Officer of English Heritage and Director of the Museum of London, expressing his view on the Maryknoll House project. According to Professor Thurley, adaptation of historic buildings with contemporary architecture was common. He introduced at the video, with illustration drawings, some overseas examples on adaptive re-use of historic buildings including the Holburne Museum in Bath (England), the King's Cross Station in London (England) and the Citadel in Amiens (France) to demonstrate that although parts of the actual structures of the historic buildings were altered/demolished, the heritage significance of the old buildings could still be preserved. Professor Thurley considered the current proposed scheme for the Maryknoll House site could achieve the same goal.

10. With the aid of a PowerPoint presentation, Mr Jean Francois Milou, the applicant's representative, made the following main points:

- (a) the design scheme in preserving the Maryknoll House and the surrounding setting by introducing new elements to the site and that consideration was given not only to the Maryknoll House and the new extensions, but also to the integration with the natural surroundings;
- (b) no adverse visual impact to the skyline;
- (c) both the residential need and the possibility of opening the common areas of the proposed residential development for visitors had been taken into account in the overall design; and
- (d) his past experience in revitalizing the former Supreme Court and City Hall as the existing National Gallery in Singapore.

11. With the aid of a PowerPoint presentation, Mr Jimmy Fong, the applicant's representative, made the following main points:

- (a) the applicant's successful experience in another preservation-cum-development project at No. 47 Barker Road, Hong Kong for residential development with the Grade 2 historic building of high heritage value preserved; and
- (b) the applicant had in the past actively engaged in discussion with DEVB over the preservation of the Maryknoll House. The applicant would continue to work with the project team to enhance the development proposal.

12. Mr Ian Brownlee, the applicant's representative, tabled at the meeting a revised Notes for the proposed "OU(RDHBP)" zone under Option B and elaborated on the conceptual development proposal, which covered the following main points:

- (a) general design and layout arrangement (including access/parking arrangements) of the development;

- (b) the two new houses to be built at a lower level at the south-west would not obstruct the view towards the main façade of the Maryknoll House; while the new extension at the north-east would be attached to part of the façade of the house which was not visible to the public currently;
- (c) for the two proposed rezoning options, Option A was intended to advance the development of the two new houses prior to the modification works at the Maryknoll House which might take a longer period of time. However, understanding that this option was not supported by government departments, the applicant was prepared to proceed with Option B;
- (d) in relation to the revised Notes for the proposed “OU(RDHBP)” zone, the revision made was mainly to specify that the developments (including the existing Maryknoll House) within the zone would be subject to a maximum GFA of 5,734.18m<sup>2</sup> and that any new development in addition to the house would be subject to a maximum GFA of 2,794.92m<sup>2</sup> or might be adjusted depending on the determination of the GFA of the existing building by the Building Authority. That flexibility could ensure that the development could achieve the permitted GFA. Two other standard clauses regarding GFA exemption and minor relaxation of development restrictions which were common in other zones were also proposed to be included; and
- (e) the applicant would be prepared to arrange half-yearly guided tours to allow pre-registered members of the public to access the site to visit the common areas of the building. Exhibition displays of the history and heritage merits of the Maryknoll House would also be set up at the Stanley Promenade.

13. As the presentations of the representatives from PlanD and the applicant were completed, the Chairman invited questions from Members.

[Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

Planning Aspects

14. The Chairman and some Members raised the following questions:
- (a) the provision of GIC facilities in the Stanley area;
  - (b) the criteria that needed to be considered for section 12A application in general and whether the Committee had to accept all the proposed Column 1 and Column 2 uses put forward by the applicant should the application be approved;
  - (c) the implications on the preservation of the Maryknoll House if the site was to be or not to be rezoned as “OU(RDHBP)”;
  - (d) under what circumstances the “G/IC” sites could be rezoned and whether another site would need to be reserved for GIC uses as compensation;
  - (e) whether the Maryknoll House site was zoned “G/IC” on the first Outline Zoning Plan (OZP) for Stanley and what the planning intention of zoning the area as “G/IC” was; and
  - (f) PlanD’s view on the revised Notes for the proposed “OU(RDHBP)” zone under Option B tabled by the applicant’s representative.
15. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points:
- (a) according to Appendix IV of the Paper which indicated the GIC provision in both the Stanley area and the Southern District, in general, there was sufficient GIC provision in accordance with the HKPSG;
  - (b) in considering a section 12A application, consideration would be given to, inter alia, whether the proposed use was a suitable use that was compatible with the surroundings, whether there were insurmountable impacts and for the current case, as historic building was involved, whether the proposal would be in line with the Government’s heritage conservation policy. The

Committee did not have to accept all the Column 1 and Column 2 uses proposed by the applicant should the Committee agree to rezone the application site;

- (c) if the Committee agreed to the current section 12A application, the Stanley OZP would be amended, and to preserve the historic building, the revised Notes of the OZP would indicate clearly that the Maryknoll House would need to be preserved in-situ and that any addition, alteration and/or modification works would require planning permission from the Town Planning Board (TPB). On the other hand, should the Committee decide not to agree to the application, since the existing zoning of the site was “G/IC”, the applicant could proceed with any Column 1 uses under the “G/IC” zone and there was no restriction on demolition of the historic building under the current OZP;
- (d) the Committee had previously considered a number of proposals submitted by PlanD to rezone “G/IC” sites to other uses including residential use to increase housing land supply. For those cases, PlanD would consult and confirm with the relevant government departments that the “G/IC” sites would no longer be required for GIC use before putting forward the rezoning proposals. However, for the current case, the subject “G/IC” site was privately owned and therefore the intention of the land owner on whether or not to continue to use the site for GIC purposes would need to be taken into consideration;
- (e) the Maryknoll House site was zoned “G/IC” on the first OZP for Stanley and the planning intention was to reflect the then prevailing use of the house for religious purpose by the religious institution which was the previous land owner. The zoning was to reflect the nature of the land use irrespective of its ownership; and
- (f) the applicant’s proposed Remarks (3) and (4) of the revised Notes were standard clauses related to GFA exemption and minor relaxation of development restrictions respectively, while Remark (2) was intended to

reflect the proposed development intensity. The exact wording and details of those Notes should be subject to further scrutiny by the Committee at the OZP amendment stage should the subject application be agreed.

[Mr Alex T.H. Lai left the meeting at this point.]

Lease Requirements

16. Some Members noted that the applicant had stated that the financial viability of the project would depend on whether land premium had to be paid for the proposed development and they sought clarification on whether lease modification would be required for the current development proposal. In addition, a Member enquired what actions would be taken by the applicant in case land premium was required.

17. In response, Mr Louis K.H. Kau, DPO/HK, explained that according to the comments of the Lands Department (LandsD), the subject lot (i.e. Rural Building Lot (RBL) 333 RP) was entitled for the erection of three houses without any other major development restrictions. LandsD could not confirm whether the currently submitted development proposal, which was conceptual in nature, would comply with the lease requirements and therefore it was uncertain whether lease modification would be required at this stage. Mr Damien C.M. Chan, Assistant Director/Regional 1 (AD/R1), LandsD supplemented that whether the proposed development complied with the lease requirements could only be determined when the applicant submitted detailed building plans for their consideration, because whether the current development proposal would constitute a 'house' could only be assessed when the detailed design was available. In response to a Member's follow-up question, Mr Damien C.M. Chan advised that RBL 333 had been carved out into RBL 333 s.A and RBL 333 RP between 1974 and 1975; and the subsequent owner of RBL 333 s.A then applied and completed lease modification for removal of the house number restriction etc. under the original lease for this section of the lot with payment of land premium in 1976, and the site had been developed into a residential estate currently known as the Stanley Knoll.

18. Mr Ian Brownlee, the applicant's representative, said that the applicant was seeking legal advice on this matter but he stressed that the applicant's intention was to work on a design that would be in compliance with the lease requirements with no need for lease

modifications and no land premium implications. Should the Committee agree to rezone the site to “OU(RDHBP)” zone, the details could be dealt with during the section 16 planning application stage.

19. Noting Members’ concern about the uncertainty of the lease requirements, Mr Louis K.H. Kau, DPO/HK, pointed out that consideration of the current application was given to whether the proposed scale of development was considered appropriate and compatible with the surroundings. The development intensity the lease allowed and the premium that might be required would be dealt with in the subsequent land administration stage. In this regard, the current proposal for residential use was compatible with the adjacent “R(C)” sites and would not cause adverse impacts on various aspects.

Proposed Conservation Arrangements

20. Some Members raised the following questions:

- (a) CHO’s view on assessing the current proposal and how it was different from the preservation of King Yin Lei given that private properties were involved under both projects;
- (b) CHO’s view on how the design related to the surrounding context and whether the symmetrical architectural style would be affected by the proposed new lobby;
- (c) details of the assessments on character defining elements; and
- (d) how the recreational facilities for the residents (e.g. clubhouse) would be arranged and the management and maintenance responsibility of the future development including the preserved historical elements in the common areas.

21. In response, Mr José H. S. Yam, C for H, DEVB, made the following main points:

- (a) King Yin Lei was a statutory monument, while the Maryknoll House was a

Grade 1 historic building as its heritage value was not as high. The grading system was administrative in nature and would not affect the ownership, usage, management and development rights of the relevant building. In general, for Grade 1 historic building, in formulating the appropriate economic incentives to compensate for the loss of development rights of the land owner, relaxation of development intensity within the site or transferring of development rights to another site under the ownership of the same owner would first be explored before considering non-in-situ land exchange;

- (b) given the Government's heritage conservation policy was to encourage revitalization and adaptive re-use of historic buildings, and noting that the contemporary barrier-free access requirements would need to be complied with in order to achieve the aforementioned objective, the proposed demolition of a portion of the façade was considered acceptable. According to the applicant, the materials such as the red bricks arising from the demolition would be re-used in the interior of the new lobby as far as possible;
- (c) with regard to the ambience of the development, CHO had no adverse comments on the current layout/disposition of the new and old buildings as architectural style including the green glazed tiled roof had been preserved. In addition, the two new houses to the south-west were subject to BH restriction (BHR) so that the back façade of the Maryknoll House could still be viewed by the public from the Stanley Square; and elements with high heritage value including the two staircases, the chapel wing and the library within the house would be preserved; and
- (d) a Conservation Management Plan (CMP) would need to be submitted by the applicant during section 16 planning application under the proposed Option B. CHO and AMO would ensure that elements with high heritage value would be well preserved.

22. In response, Mr Ian Brownlee and Mr Jean Francois Milou, the applicant's



representatives, made the following main points:

- (a) the main consideration of the current design was to link up the courtyard in front of the Maryknoll House and the natural landscape to the south. The design would open up the courtyard to the landscape and more sunlight would be brought in;
- (b) one of the character defining elements the applicant was asked to protect was the roofline, which would be preserved intact; and
- (c) there was no provision of facilities like swimming pool under the current design. On the understanding that no subsidy would be received from the Government, the responsibility of management and maintenance of the building including the common areas, which was subject to further discussion, would likely rest with the future residents of the main building (i.e. excluding those two houses locating to the south-west separated from the Maryknoll House).

*Proposed Guided Tour and Exhibition Display*

23. In response to the questions raised by the Chairman and Members in relation to the details of the proposed guided tour and exhibition display in the Maryknoll House, Mr Ian Brownlee and Mr Barry Chan, the applicant's representatives, replied that the proposal, including the number of tours to be conducted annually, could be subject to further discussion and the applicant did not intend to charge any fee for the tour. Other than the private residential areas, those areas to be assigned as common areas within the building and the open ground outside the building could be explored for public access, subject to the acceptance of the future residents. Mr Brownlee drew Members' attention that as the only vehicular access to the site passed through the adjacent residential development and therefore public access to the Maryknoll House would also be subject to discussion with the adjacent owners. Nevertheless, with the proposed guided tours, the Maryknoll House would become more accessible to the public. Details of the proposed tours could be dealt with during the section 16 planning application stage and further discussion would be conducted with CHO.

24. Mr Jimmy Fong, the applicant's representative, supplemented that the applicant had been liaising with the owners' committee of the adjacent Stanley Knoll over the right for public access in connection with the proposed tours. The applicant would further explore with relevant parties on possible enhancement that could be made to the exhibition display. In response to a Member's enquiry, Mr Jean Francois Milou, the applicant's representative, said the option of providing a permanent exhibition within the Maryknoll House could also be evaluated.

25. A Member was of the view that in general, "G/IC" sites were those places where the public could access. Noting that in future the public could only access the site through the guided tours as proposed by the applicant, the Member enquired whether public access could be imposed as a requirement for the rezoning. Some Members questioned that the current proposal of arranging guided tours would hinder the public accessibility of the site in comparison with the past arrangement. In response, Mr Louis K.H. Kau, DPO/HK, replied that in the past when the Maryknoll House was still used for religious purpose, public access to the site was also on a pre-arranged basis and members of the public could not freely access the site.

Others

26. A Member asked and Mr Louis K.H. Kau, DPO/HK, replied that because of the vegetation in the surrounding area, CTP/UD&L, PlanD considered that the results of the visual assessment by the applicant might be overstated but the details could be further evaluated during the section 16 planning application stage.

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

Deliberation Session

28. A Member pointed out that the site was under private ownership with entitlement for residential development under lease. Given that the site was surrounded predominantly by residential developments (including the Stanley Knoll and Carmel Hill) and the intention of the land owner was to pursue residential developments, the Member considered that it was appropriate to rezone the site for residential use. If the Committee decided not to agree to the current section 12A application, the land owner could demolish the Maryknoll House for other developments as there was no restriction on demolition of Grade 1 historic building. Another Member considered sympathetic consideration could be given to the current application as the general approach of the proposal was to facilitate preservation-cum-development with the Maryknoll House preserved.

29. A Member was concerned about the indicative proposal with a triple volume entrance lobby, which might affect the architectural integrity of the historic building. It was considered that the symmetry of the building and the setting should be respected in the design, instead of just preserving the roofline as pointed out by the applicant's representatives.

30. Some Members considered that public access to the Maryknoll House to facilitate public appreciation of the historic building was important and that should be considered as one of the requirements for rezoning the site as "OU(RDHBP)". The public access arrangement currently proposed by the applicant was not satisfactory and the applicant should make available more areas for public access and increase the number of guided tours. Some Members also pointed out that the right-of-way issue with the adjacent lot was crucial as it would affect the feasibility of the proposal and a mechanism should be explored to safeguard the implementation of the public access arrangement. A Member also suggested that consideration could be given to display the history of the Maryknoll House in the library of the Stanley Municipal Services Building instead of at the Stanley Promenade.

31. In respect of the development rights under the lease, some Members considered that LandsD's clarification would be required to facilitate the Committee's consideration on the appropriate development restrictions under the new zoning. A Member had doubt on the interpretation of the current proposal with 8 residential units as three houses and was concerned that with the uncertainty of the lease requirements, it might be inappropriate to

make a decision on the rezoning application simply based on the development parameters proposed by the applicant. The Chairman drew Members' attention to LandsD's advice that the lease requirements could only be ascertained at the detailed building plans submission stage. Members were reminded that lease matters would be considered by LandsD under a separate regime and from land use point of view, the current proposed residential development with PR of 0.75 and BH of three storeys over one level of carport was considered in line with the development intensity of the surrounding developments.

32. Members discussed the latest Notes for the proposed "OU(RDHBP)" zone which was tabled by the applicant's representative at the meeting. Some Members considered it was inappropriate to incorporate 'Eating Place' as a Column 1 use while a Member opined that 'Religious Institution' should be included as a Column 1 use in view of the previous use of the site as a religious venue.

33. The Chairman said that it was not necessary for the Committee to agree to all the Column 1 and Column 2 uses under the Notes proposed by the applicant even if the Committee agreed to rezone the site to "OU(RDHBP)". It was a general practice that after agreeing to the section 12A application, the detailed proposals for amendment of the OZP would be submitted to the Committee for further consideration before the draft OZP was exhibited under the provision of the Town Planning Ordinance. Members' views on various issues expressed during the meeting, including the public access arrangement, Remarks of the Notes and the uses to be incorporated under Column 1 and Column 2, would be taken into account in preparing the proposed amendments to the OZP. That could help ensure that the comments and concerns of Members over the proposed development could be properly addressed before the draft OZP was gazetted for public inspection. On invitation of the Chairman, the Secretary summarized the views of the Committee as follows:

- (a) generally agreed with Option B as proposed by the applicant but revision would need to be made to address Members' concerns/comments;
- (b) a maximum PR of 0.75 and a BHR of 75mPD were considered appropriate;
- (c) residential developments within the new zone would require planning permission from the Committee while other Column 1 and Column 2 uses

would generally be in line with the existing “G/IC” zone;

- (d) planning intention of the new zone would include the preservation of the Maryknoll House in-situ and that any alteration works would require planning permission from the Committee; and
- (e) details on how the public access requirements should be reflected in the Notes or Explanatory Statement to ensure public appreciation of the historic building would be explored.

34. After deliberation, the Committee decided to partially agree to the application by rezoning the application site to a specific “Other Specified Uses” zoning to preserve the Grade 1 historic building, and that an amendment to the approved Stanley Outline Zoning Plan (OZP) No. S/H19/12 would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance after reference back of the OZP for amendment by the Chief Executive in Council. The Committee decided not to agree to the proposed rezoning of the application site to “Residential (Group C)2” (“R(C)2”) zone for the following reasons:

- “(a) the proposed “R(C)2” zoning does not provide sufficient planning control to achieve the planning intention for preservation of the Maryknoll House and for monitoring the implementation of the proposed preservation-cum-development project; and
- (b) the applicant fails to demonstrate how the technical concerns on the proposed residential development could be addressed at the implementation stage.”

[Mr Stanley T.S. Choi and Professor Jonathan W.C. Wong left the meeting at this point.]

**Tsuen Wan and West Kowloon District**

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/K2/217                      Proposed Minor Relaxation of Building Height Restriction from 2 Storeys to 3 Storeys for Permitted Sports and Recreation Club in “Other Specified Uses” annotated “Sports and Recreation Clubs” Zone, 8 Wylie Road, Kowloon  
  
(MPC Paper No. A/K2/217A)

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35.            The Secretary reported that the application was submitted by the Hong Kong Chinese Civil Servants’ Association (HKCCSA), with Wong Pak Lam & Associates Consulting Engineers & Architects Limited (WPL) as one of the consultants of the applicant. The following Members have declared interests on this item:

Mr Alex T.H. Lai	-	his firm having current business dealings with WPL; and
Mr Martin W.C. Kwan	]	
(Chief Engineer (Works),	]	
Home Affairs	]	
Department )	]	
	]	
Mr Terence S.W. Tsang	]	being an ordinary member of the HKCCSA.
(Assistant Director	]	
(Environmental	]	
Assessment),	]	
Environmental	]	
Protection Department)	]	

36.            The Committee noted that the applicant had requested deferment of consideration of the application and that Mr Alex T.H. Lai had already left the meeting. The Committee also noted that according to the Procedure and Practice of the Town Planning Board, Member or his/her spouse who was an ordinary/corporate member of a club, association, union or other bodies would not constitute a conflict of interest if the Member or his/her spouse was

not directly involved in the matter under consideration. Following the Procedure and Practice, Members who were just ordinary members of HKCCSA having no control over the HKCCSA's proposed development could be allowed to stay in the meeting. The Committee agreed that Messrs Martin W.C. Kwan and Terence S.W. Tsang could stay in the meeting.

37. The Committee noted that the applicant's representative requested on 14.12.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information in response to further departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted responses to departmental comments, photomontages and clarifications on the background information of the application.

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

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/TY/136                      Temporary Concrete Batching Plant for a Period of 5 Years in  
“Industrial” Zone, Tsing Yi Town Lot 108 RP (Part), Tsing Yi, New  
Territories

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39.                      The Committee noted that the application was rescheduled.

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

**Hong Kong District**

**Agenda Item 6**

**Further Consideration of Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/412                      Proposed Commercial Development (including Eating Place, Shop and  
Services, Office and Commercial Bathhouse/Massage Establishment) in  
“Residential (Group A)” Zone, 153-167 Queen's Road East, Wan Chai,  
Hong Kong  
(MPC Paper No. A/H5/412B)

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40.                      The Secretary reported that the application site was located in Wan Chai. The application was submitted by Eldridge Investments Limited which was a subsidiary of Hopewell Holdings Limited (Hopewell). AECOM Asia Company Limited (AECOM), WMKY Limited (WMKY) and Hyder Consulting Limited (Hyder) were three of the consultants of the applicant. The following Members had declared interests on this item:

Mr Thomas O.S. Ho                      -                      having current business dealings with AECOM;



- Mr Alex T.H. Lai - his firm having current business dealings with Hopewell, AECOM, WMKY and Hyder;
- Mr Franklin Yu - having past business dealings with AECOM; and
- Mr Stephen H.B. Yau - his office was located at Southorn Centre, Wan Chai.

41. The Committee noted that Mr Thomas O.S. Ho had tendered apology for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting. As Mr Franklin Yu had no involvement in the application and the office of Mr Stephen H.B. Yau had no direct view of the application site, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

42. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed commercial development (including eating place, shop and services, office and commercial bathhouse/massage establishment);

#### Further Information

- (c) during consideration of the application on 7.9.2018, the Committee decided to defer making a decision on the application as Members had concerns on the nil provision of internal transport facilities, the proposed pedestrian tunnel, the proposed extension of the existing lay-by at Queen's Road East (QRE) and justifications for the claim of bonus plot ratio (PR) for dedicated areas for public passage under the Building (Planning) Regulations (B(P)R). The applicant was requested to provide further information (FI) on those aspects for Members' consideration;

- (d) on 15.11.2018, the applicant provided FI in response to the Committee's concerns. Details of the applicant's FI was set out in paragraph 2 and F-Appendix III of the Paper;
- (e) departmental comments – departmental comments on the FI submitted by the applicant were set out in paragraph 3 of the Paper. The Commissioner for Transport (C for T) maintained her no objection to the application. According to the Transport Planning Design Manual, vehicular access fronting QRE should be avoided as far as possible. C for T noted the various site constraints as mentioned by the applicant in justifying the nil provision of internal transport facilities and the in-principle agreement with Hopewell Centre (HC) to use the loading/unloading (L/UL) facilities within HC. The proposed extension of lay-by was considered essential as it would allow on-street L/UL activities without affecting traffic flow along QRE. C for T and Chief Highway Engineer/Hong Kong (CHE/HK), Highways Department would take up the management and maintenance responsibilities of the extended lay-by respectively. As the proposed dedicated area for public passage could enhance the pedestrian movement at QRE, C for T also considered such provision was essential from the traffic point of view. Other departments consulted, including the Buildings Department and Lands Department, had no objection to or adverse comment on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD maintained its previous view of having no objection to the application based on the assessments set out in paragraph 4 of the Paper. In comparison with the application covering the site for similar commercial uses approved by the Committee in 2015 (application No. A/H5/400), except for the increase in site area and the corresponding increase in non-domestic gross floor area, other development features in the current scheme like nil provision of carparking spaces, shared uses of L/UL facilities with HC, dedication for public passage, extension of public lay-by along QRE were similar to the approved application. The applicant indicated that provision of ramps and aisles or provision of car lift were explored but found not practical. The justifications

provided by the applicant were acceptable to C for T, which also accepted the applicant's proposed arrangement of using the L/UL facilities at 4/F of HC. To address some Members' concern on the possible use of the accessible lift linking the pedestrian tunnel for goods delivery, the applicant had proposed to install bollard at the entrance of the lift on 4/F. C for T considered that the lay-by extension was essential as it would help improve the operation of the road junction of QRE/Spring Garden Lane. As for the claim for bonus PR in relation to the dedicated pedestrian public passage, C for T considered the dedicated areas were essential from traffic point of view as the pedestrian movement could be enhanced.

43. In response to Members' questions, Mr Anthony K.O. Luk, STP/HK, made the following main points:

- (a) C for T considered that a mechanism should be formulated by the applicant to ensure that the users of the proposed development would be permitted to use the L/UL facilities in HC. In that regard, an approval condition (c) which should be implemented to the satisfaction of C for T was proposed. With regard to the Members' concern on the enforcement of the proposed arrangement, given that the extended lay-by would be managed by C for T, PlanD would relay Members' views to C for T, which would monitor the implementation of approval condition (c);
- (b) according to the applicant's traffic impact assessment, the proposed 4m wide pavement along QRE would be sufficient to attain a satisfactory level of service to facilitate smooth pedestrian circulation. As to a Member's enquiry on whether more ground floor space could be dedicated for pedestrian passage so as to widen the future pavement along QRE, the exact amount of areas to be dedicated was subject to the consideration on requirements for pedestrian circulation and commercial need of ground floor space. Moreover, the dedicated areas might not be fully accepted for claim of bonus PR as the relevant authority would evaluate the necessity of the dedication; and

- (c) the width of the proposed pedestrian tunnel was about 4m. The pedestrian tunnel was proposed to be linked up with ground floor by staircase, escalators and accessible lift. The opening hours of the tunnel would in general tally with the operating hours of the Mass Transit Railway. Even if the lift was out of order, pedestrian could still cross QRE using the at-grade crossing.

### Deliberation Session

44. A Member indicated no in-principle objection to the application but was concerned that the width of the pavement abutting the proposed lay-by would be too narrow since the pedestrian flow of the area was high. Moreover, with regard to the pedestrian tunnel, the current design of discharging the pedestrian flow at the corner of the site was not satisfactory. The Chairman pointed out that the Member's concern could be addressed under the proposed approval condition (a) which required the design and provision of public passage on the ground floor and the public tunnel in the basement floor should be to the satisfaction of C for T. He advised and Mr Eddie S.K. Leung, Chief Traffic Engineer (Hong Kong), Transport Department, concurred that C for T would make reference to Members' comments expressed at the meeting when the applicant submitted further details on the arrangement for fulfilment of the approval condition.

45. Another Member expressed that there were regular displays at the pedestrian plaza of HC which might affect the proposed dedicated pedestrian passage of the site. The Member was of the view that in order to facilitate smooth pedestrian circulation, the land owner of the adjacent lot should be reminded not to obstruct the area.

46. 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 4.1.2023, 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 design and provision of public passage on the ground floor fronting Queen's Road East and the public tunnel in the basement floor of the

proposed development, as proposed by the applicant, to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;

- (b) the design and provision of the public lay-by abutting Queen's Road East, as proposed by the applicant, to the satisfaction of the C for T or of the TPB;
- (c) the provision of loading/unloading facilities at 183 Queen's Road East for the proposed development, as proposed by the applicant, to the satisfaction of the C for T or of the TPB;
- (d) the submission of revised sewerage impact assessment (SIA) and implementation of local sewerage upgrading/sewerage connection works as identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the provision of fire service installations and water supplies for fire fighting including Emergency Vehicular Access to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB."

47. The Committee also agreed to advise the applicant to note the advisory clauses as set out at F-Appendix IV of the Paper.

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

[Mr Damien C.M. Chan, AD/R1, LandsD, left the meeting and Miss Sapphire P.Y. Lo, Assistant Director/Regional 2, LandsD, arrived to join the meeting at this point.]

[Mr Chesterfield K.K. Lee, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

**Kowloon District**

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/23                      Proposed Social Welfare Facility (Residential Care Home for the Elderly) in Non-residential Portion of a Mixed Use Development in “Other Specified Uses” annotated “Mixed Use(2)” Zone, New Kowloon Inland Lot No. 6568, Muk Yuen Street, Kai Tak, Kowloon  
(MPC Paper No. A/K22/23)

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48.            The Secretary reported that the application was submitted by Super Great Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Kenneth To & Associates Limited (KTA) as one of the consultants of the applicant. The following Members had declared interests on this item:

- |                    |   |   |
|--------------------|---|---|
| Mr Thomas O.S. Ho  | - | having current business dealings with SHK;  |
| Mr Alex T.H. Lai   | - | his firm having current business dealings with SHK;   |
| Mr Franklin Yu     | - | having past business dealings with SHK and his spouse being an employee of SHK; and                 |
| Mr Daniel K.S. Lau | - | being an ex-employee of the Hong Kong Housing Society which had current business dealings with KTA. |

49.            The Committee noted that Mr Thomas O.S. Ho had tendered apology for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting. As the interest of Mr Franklin Yu was direct, the Committee agreed that he should be invited to leave the meeting temporarily for this item. As the interest of Mr Daniel K.S. Lau was indirect, the Committee agreed that he could stay in the meeting.

[Mr Franklin Yu left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed social welfare facility (residential care home for the elderly (RCHE)) in non-residential portion of a mixed use development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) noted that the proposed RCHEs would be equipped with centralized air conditioning with proper insulation and would not rely on opened windows for ventilation, and that the applicant had committed to conduct a detailed noise impact assessment at the detailed design stage. DEP considered that insurmountable environmental impacts associated with the proposed development were not anticipated. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments from individuals were received. While two individuals had no comments, the remaining one expressed concerns on the design of the RCHE. Major 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 assessment set out in paragraph 11 of the Paper. The initiative of augmenting the provision of welfare facilities in different types of developments was stated in the 2017 Policy Agenda. The requirements for provision of RCHEs and day care centres for the elderly (DCCs) were stipulated in the Conditions of Sale for the site. The proposed RCHEs were considered not incompatible with the surrounding uses. The arrangement of having a separate building for the RCHEs and DCCs in the mixed use development had the merits of better management

for the elderly facilities as well as minimization of possible nuisance and interface problem among the various uses within the site. The Director of Social Welfare (DSW) had no adverse comment on such arrangement. The proposed RCHEs in the non-residential portion, instead of the residential portion, of the mixed use development would allow the maximum permissible domestic plot ratio (PR) be fully used for development of flats. Concerned departments had no objection to or no adverse comment on the application. In relation to the public comment, the detailed design and layout of the proposed social welfare facilities would be to the satisfaction of DSW and would be controlled through relevant legislation, building plan submission and the Conditions of Sale. The planning assessments above were also relevant.

51. A Member asked and Mr Chesterfield K.K. Lee, STP/K, responded that although there was a minibus route along the Concorde Road which abutted the application site, the proposed RCHEs would be equipped with centralized air conditioning as a noise mitigation measure and that was acceptable to DEP.

52. Another Member expressed that the current building design with centralized air conditioning in lieu of opened windows could be improved. The applicant should explore utilizing the void areas of the building for cross air ventilation purpose and bringing in natural daylight to the RCHE. That would also help reduce energy consumption in the long term.

53. In response to another Member's enquiries regarding the disposition of the RCHEs at different locations within the site, Mr Chesterfield K.K. Lee, STP/K, said that detailed design could be dealt with during the building plan submission stage. The land owner was required under the lease to provide the RCHEs to the satisfaction of DSW.

#### Deliberation Session

54. A number of Members pointed out that they supported the provision of RCHE in the non-residential portion of the development to serve the Kai Tak community. However, a Member considered that the current proposal to accommodate the RCHEs at a building



separated from the residential/commercial uses of the site was not conducive to creating good integration among different uses. Options on accommodating the RCHEs at different locations within the site should be explored. The design for RCHEs should be people-focus and people-oriented.

55. A Member considered the current proposed location of RCHEs not satisfactory as the facility would face towards the north-west which was not good for the comfort of the RCHE residents. Energy consumption for the RCHE would also be increased given the centralized air conditioning design. The Member opined that the location of the proposed RCHE should be further explored. Another Member concurred and considered the applicant should put in more effort to enhance the building design so as to improve the integration of the RCHEs with the development and adopt more environmental-friendly building design.

56. The Chairman concluded that Members generally had no in-principle objection to the proposed RCHEs in the non-residential portion of the development, but considered improvements could be made to the building design in terms of integration and environmental-friendly measures. While the submitted scheme was indicative to demonstrate that the RCHEs with the required floor area would be acceptable in the non-residential portion, Members' concerns could be dealt with in the detailed design stage. The Chairman pointed out that approval condition (a) which required the design and construction of the proposed RCHEs to the satisfaction of DSW would be imposed, and Members' comments expressed during the meeting, including the concern on the location of the RCHEs, could be taken into account under that approval condition. DSW would take note of the Members' comments when the applicant submitted further details on the design for fulfillment of the approval condition.

57. 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 4.1.2023, 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 design and construction of the proposed Residential Care Homes for the Elderly to the satisfaction of the Director of Social Welfare or of the TPB; and

- (b) the submission of a revised Noise Impact Assessment (NIA) and the implementation of the noise mitigation measures as proposed in the revised NIA to the satisfaction of the Director of Environmental Protection or of the TPB.”

58. 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 Mr Chesterfield K.K. Lee, STP/K, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

**Agenda Item 8**

Any Other Business

59. There being no other business, the meeting closed at 1:15 p.m..