

TOWN PLANNING BOARD

**Minutes of 624th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 22.3.2019**

Present

Director of Planning
Ms Jacinta K.C. Woo

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

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

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Michael H.S. Law

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Dr. Sunny C.W. Cheung

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

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Dr Frankie W.C. Yeung

In Attendance

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

Town Planner/Town Planning Board
Miss Denise M.S. Ho

Agenda Item 1

Confirmation of the Draft Minutes of the 623rd MPC Meeting held on 8.3.2019

[Open Meeting]

1. The draft minutes of the 623rd MPC meeting held on 8.3.2019 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K3/581 Proposed Minor Relaxation of Plot Ratio Restrictions for Permitted Office, Shop and Services Uses in “Other Specified Uses” annotated “Business” Zone, 100 - 114 Bedford Road, Kowloon
(MPC Paper No. A/K3/581)

3. The Secretary reported that the application was submitted by Prime 18 Development Limited (Prime 18) and TKT Development Limited (TKT). Mr Alex T.H. Lai had declared interest in the item as his firm was having business dealings with Prime 18 and TKT. The Committee noted that Mr Alex T.H. Lai had not yet arrived to join the meeting.

4. The Secretary reported that the Planning Department (PlanD) recommended deferment of the consideration of the application as the building height restriction of the application site was the subject of one of the amendment items under the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/31, which was subject to adverse representations received during the exhibition period of the draft OZP. According to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Board Ordinance (TPB PG-No. 33), a decision on the current application should be deferred until the Chief Executive in Council (CE in C) had made a decision on the draft OZP.

5. After deliberation, the Committee decided to defer a decision on the application as recommended by PlanD. The Committee agreed that the application should be submitted for its consideration after CE in C had made a decision on the draft OZP.

Agenda Item 4

Section 16 Application

[Open Meeting]

A/K5/803 Proposed Hotel in “Residential (Group A) 6” Zone, 56G-56H and
56J-56K Yen Chow Street, Sham Shui Po, Kowloon
(MPC Paper No. A/K5/803A)

6. The Committee noted that the applicant’s representative requested on 6.3.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments and the public. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental and public comments.

7. 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.

[Mr Derek W.O. Cheung, District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK) and Mr Stephen C.Y. Chan, Senior Town Planner/Tsuen Wan & West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 5

Further Consideration of Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/444 Proposed Comprehensive Development for Flat, Eating Place, Shop and Services and Office with Minor Relaxation of Building Height Restriction from 120mPD to 145mPD in “Comprehensive Development Area” Zone and an area shown as ‘Road’, Kwai Chung Town Lot 432 and Adjoining Government Land, 1-7 Cheung Wing Road, Kwai Chung, New Territories

(MPC Paper No. A/KC/444C)

8. The Secretary reported that MVA Hong Kong Limited (MVA) was one of the consultants of the applicant. The following Members had declared interests on this item:

- Mr Thomas O.S. Ho - his firm having current business dealings with MVA;

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

- Mr Franklin Yu - having past business dealings with MVA.

9. The Committee noted that Mr Alex T.H. Lai had not yet arrived to join the meeting. As Messrs Thomas O.S. Ho and Franklin Yu had no direct involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

10. The Committee noted that a replacement page (page 11 of the Paper), rectifying the approval condition, was tabled at the meeting for Members’ reference. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) the proposed comprehensive development and minor relaxation of building

height (BH) restriction from 120mPD to 145mPD;

- (b) background - during consideration of the application on 26.1.2018, the Committee decided to defer making a decision on the application as Members considered that more information from the applicant regarding the opening hours, function and operation of the central landscape space (CLS) within the proposed development, and comparison of the building bulk (including floor area and floor height) between the baseline and proposed schemes would be necessary to facilitate the Committee's further consideration of the application. On 4.2.2019, 15.3.2019, 18.3.2019 and 19.3.2019, the applicant provided further information (FI) in response to the Committee's concerns. Details of the applicant's FI was set out in paragraph 2 and Appendices F-IV to VII of the Paper;
- (c) departmental comments – departmental comments on the FI submitted by the applicant were set out in paragraph 3 of the Paper. The District Land Officer, Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) advised that whilst the applicant had stated that the CLS would be privately owned open space, if the public were entitled to access, use and enjoy, such open space within private development would fall within the definition of “Public Open Space in Private Development” (POSPD) as promulgated by the Development Bureau in 2010 from land administration point of view. It was undesirable to accept/require the provision of open space for public access, use and enjoyment which would result in individual flat owners being made responsible for the management and maintenance of such open space. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection for the FI submitted, two public comments were received with one indicating no comment and another one objecting the application. Major grounds of objection were set out in paragraph 4 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 5 of the Paper. The current design of the CLS had a clear demarcation in respect of (a) the private open space intended for the residents only; (b) the portion with public accessibility at 24 hours a day; and (c) the portion with public accessibility at reasonable hours to match with the commercial operation. The CLS could provide visual openness and an amenity space in the densely developed neighbourhood, and help enhance pedestrian circulation in the area with the provision of openings in the form of a pedestrian plaza and various public passageways at street level connecting to the roads on four sides of the Site. The proposed scheme demonstrated that by relaxing the BH restriction to 145mPD, it would provide design flexibility and development opportunity to reduce the number of building blocks with smaller building footprints which would create a more visually open and permeable development. Regarding DLO/TW&KT, LandsD's concern on management/maintenance responsibilities of the CLS, it had been clarified by the applicant that only the owners/occupants of the non-domestic portion rather than the future residents of the proposed development would be responsible for the management and maintenance of the parts of private open space with public accessibility. Concerned departments had no adverse comment/no objection to the application. Regarding the adverse public comment, comments of concerned departments and the planning assessment above were relevant.

Central Landscape Space

11. Some Members raised the following questions:
- (a) any clear indication of areas and opening hours of the open space to be made available for public access;
 - (b) whether there would be any possible conflict between the open space earmarked for residents only and for public access; and

- (c) the provision of public open space in the district.

12. In response, Mr Derek W.O. Cheung, DPO/TWK, made the following main points:

- (a) as shown in Drawing FA-3 of the Paper, part of the CLS with an area of about 600m² located at the north-western portion would be open 24 hours a day for public access and another part with an area of about 200m² at the western portion would be open at reasonable hours to the public to match with the operation of the shopping mall. For the latter, the applicant had tentatively proposed the opening hours from 8:00a.m. to 8:00p.m., while the exact time would be subject to operational and management consideration at a later stage;
- (b) the FI submission had clearly delineated the boundary of open space to avoid the possible conflict between different users. Initially, the applicant indicated that there would be three gates to control pedestrian access to the open space solely designated for residents' use; and
- (c) there were a surplus of 38.59 ha and 2.15 ha of planned local open space and district open space respectively on the Kwai Chung Outline Zoning Plan.

13. Mr Derek W.O. Cheung further elaborated that according to the applicant, the open space within the Site to be open 24 hours and at reasonable hours was mainly intended to provide a pedestrian plaza and public passageways for pedestrian to enter and pass through the Site. The planning merit of the CLS proposal was mainly on the provision of visual openness and an amenity space in the densely developed neighbourhood.

14. The Chairperson drew Members' attention that the applicant did not propose a public open space within private development, but private open space with portions to be open for public access. Moreover, there was no requirement for provision of public open space within the subject "Comprehensive Development Area" ("CDA") zone.

15. Some Members raised the following questions:

- (a) taking into account the open space would allow 24 hours public access, whether the proposed private open space for public use should be considered as POSPD; and
- (b) whether there was any similar case where the land owner had proposed to open up private open space for public access.

16. Mr Derek W.O. Cheung, DPO/TWK, responded that the applicant had clearly indicated that it was not the applicant's intention to treat and provide the CLS as POSPD. In addition, according to the administrative arrangements for provision of POSPD, unless there was a shortfall of open space in the district, the requirement on the provision of public open space on private land as part of the private developments was not necessary. There was no information on other similar cases at hand.

17. Some Members further raised the following questions:

- (a) whether the management and maintenance of the private open space for public use would be borne by the residents and whether there would be any provision under the lease; and
- (b) whether it was possible to stipulate the requirement of opening hours of the proposed open space under the lease.

18. In response, Mr Derek W.O. Cheung, DPO/TWK, stated that according to the applicant, the management and maintenance of the portions of open space with public accessibility would be borne by the owners/occupants of the non-domestic portion of the proposed development rather than the future residents. To safeguard this arrangement, the future lease, subject to the agreement of LandsD, might incorporate a clause restricting assignment of the non-domestic portion.

19. With regard to the lease requirements, Mr Simon S.W. Wang, Assistant Director (Regional 1) (AD(R1)), LandsD, said that the lease modification or land exchange was a

contractual agreement between the government as a Landlord and the land owner. If the provision of open space within private development was in accordance with the POSPD Guidelines, the requirement on the opening hours would be stipulated under the lease. In this case, however, since the applicant did not propose to follow the POSPD Guidelines for provision of open space, there was no strict requirement to control the opening hours under the lease. Notwithstanding that, if a planning condition was imposed by the Committee to control the opening hours of the open space for public access, such requirement could be considered for incorporation into the lease at lease modification or land exchange stage.

Others

20. Some Members raised the following questions:

- (a) whether consideration of the current application should take into account the previous approved application No. A/KC/241 with proposed BH of 169mPD;
- (b) whether the roof-top greening on the office building had been included in the calculation of open space provision;
- (c) referring to Drawing FA-3, whether there was provision for pedestrian access from the eastern and northern parts to other parts of the Site; and
- (d) the relationship between the application site, land lot (KCTL 432) and “CDA” zoning boundary and whether there was any control on the design of the proposed new road (Road 27E).

21. Mr Derek W.O. Cheung, DPO/TWK, made the following responses:

- (a) application No. A/KC/241 was for proposed hotel and service apartment with commercial/retail facilities with proposed BH up to 169mPD, which was approved by the Committee on 17.3.2000. Whilst a set of building plans for the proposed development was approved, the approved scheme had not been implemented. The BH of 169mPD was for a different

development scheme;

- (b) the greening portion within the retail and office block had not been included in the calculation for open space provision;
- (c) the red area as shown on Drawing FA-3 would be open at reasonable hours to match with the operation of the shopping mall. During the opening period, pedestrians could access and pass through the site; and
- (d) according to Plan FA-1, the land lot was within the “CDA” zone. The application site included the “CDA” zone and a minor portion of an area shown as ‘Road’. The applicant was required to design and construct a new road (Road 27E to the north and falling within the application site) as well as road widening works as required under the lease. The design of the new road and road widening works should be to the satisfaction of the Transport Department and Highways Department.

Deliberation Session

22. The Chairperson remarked that the application was for proposed comprehensive development with minor relaxation of BH restriction. It was the applicant’s proposal to make available portions of the proposed private open space for public access, which would remain under private ownership. She said that the proposed open space would be indicated on the Master Layout Plan (MLP). In general, it might not be an effective means to control the opening hours of the proposed open space under the approval condition since planning permission would lapse upon completion of the development. If Members considered it necessary to impose the requirement on 24 hours public access of the private open space, as proposed by the applicant, it would be more effective to incorporate the requirement under the lease.

23. A Member was of a view that if the provision of 24 hours public access of the private open space was uncertain, it might be better for Members to focus on considering whether other design elements in the MLP were acceptable and whether the proposed BH relaxation was justified. Another Member echoed the view and enquired if there were any

guidelines for considering minor relaxation of BH restriction. In response, the Secretary said that the Explanatory Statement of the Outline Zoning Plan stated that each application for minor relaxation of BH restriction would be considered on its own merits and the relevant criteria for consideration of such relaxation were listed in paragraph 9.5 of Appendix F-I of the Paper, including, among others, the provision of better streetscape/good quality street level public urban space and separation between buildings to enhance air ventilation and visual permeability, and bringing improvements to townscape and amenity of the locality. Some Members were of the view that the current proposal had the merit of bringing improvements by providing better streetscape, enhanced connectivity and accessibility, and visual permeability.

24. Some Members had no objection to granting planning permission but considered that the opening hours of the open space for 24 hours a day as proposed by the applicant was an essential component for approving this application. If the opening hours of the open space for public access was only at the discretion of the applicant without any proper means of control, there would be no guarantee for its implementation in future. The Vice-Chairperson was of the view that if the Committee considered the provision of 24 hours public access of the proposed open space was essential, an approval condition should be imposed.

25. A Member considered that enhancement on connectivity for the Site alone should not be considered as planning gain as the enhancement would be beneficial to the development itself. Another Member considered that planning gain confined to aesthetic design or improvement on air ventilation was not adequate. The major element for planning gain should be to bring benefit to the neighbourhood.

26. In response to Members' concern, Mr Simon S.W. Wang, AD (R1), LandsD supplemented that if there was an approval condition requiring 24 hours public access of the open space, LandsD would impose the clause in the lease during the lease modification or land exchange process. If the Committee decided to include an advisory clause, LandsD might consider on a case by case basis according to the prevailing policy and guidelines.

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

27. The Chairperson summed up the discussion and said that in general, Members agreed to the proposed development in land use terms. While some Members considered the current proposal had demonstrated building design and planning merits to support the proposed minor relaxation of BH restriction, other Members considered that the provision of 24 hours public access of the private open space was an essential planning gain and an approval condition should be imposed to ensure its implementation.

28. As Members' views were divided, the meeting agreed to take a vote. A majority considered that the planning permission should be granted with an additional approval condition on the provision of 24 hours public access of the part of private open space as proposed by the applicant (i.e. area shown green on Drawing FA-1 of the Paper).

29. 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 22.3.2023, 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 submission and implementation of a revised Master Layout Plan to take into account of the approval conditions (b) to (f) and (h) to (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the proposed development (in terms of mPD) should not exceed the height of the buildings as proposed by the applicant;
- (c) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of a private open space to be open 24 hours a day for public access, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB;
- (e) the design and provision of vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for

Transport or of the TPB;

- (f) the design and provision of Road 27E, road widening of Tai Yuen Street, widening of the footpath around the Site (including Cheung Wing Road, Kwok Shui Road and Tai Yuen Street), as proposed by the applicant at his own cost, to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and implementation of the road improvement works, as proposed by the applicant at his own cost, to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the submission and implementation of the noise mitigation measures identified in the Environmental Assessment (EA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (i) the design and provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

[Messrs Alex T.H. Lai and Sunny L.K. Ho arrived to join the meeting during the deliberation session.]

[The Chairperson thanked Mr Derek W.O. Cheung, DPO/TWK, for his attendance to answer Members' enquires. He left the meeting at this point.]

[The meeting was adjourned for a 5-minute break.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/458 Proposed Shop and Services in “Industrial” Zone, Workshop No. 2D,
Ground Floor, Join-In Hang Sing Centre, 71-75 Container Port Road,
Kwai Chung, New Territories

(MPC Paper No. A/KC/458)

Presentation and Question Sessions

31. The Committee noted that three replacement pages (pages 8 and 9 and appendix II of the Paper) were tabled at the meeting for Members’ reference. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, 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;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; 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. Whilst the application was considered not entirely in line with the planning intention of the “Industrial” (“I”) zone, the proposed shop and services could meet the demand in the area. The proposed use was considered not incompatible with the subject building and the surrounding developments and in general complied with the Town Planning Board Guidelines No. 25D in that it would not have adverse traffic or environmental impact on

the locality. Relevant Government departments consulted had no objection to or no adverse comment on the application. A planning permission was previously granted for 'Shop and Services' use on the ground floor of the subject industrial building. There had been no change in the planning circumstances. In order not to jeopardise the long-term planning intention of the "I" zone, approval on a temporary basis of five years was recommended.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of five years until 22.3.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission fire safety measures, including the provision of fire service installations, within three months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2019;
- (b) the implementation of fire safety measures, including the provision of fire service installations, within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.9.2019;
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[The Chairperson thanked Mr Stephen C.Y. Chan, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting]

A/TW-CLHFS/1 Proposed Hotel Development in “Recreation” Zone, Tsuen Wan Town Lot 389 (Part) and Adjoining Government Land, Chuen Lung, Tsuen Wan, New Territories
(MPC Paper No. A/TW-CLHFS/1)

35. The Secretary reported that Kenneth To & Associates Limited (KTA) was one of the consultants of the applicants. Mr Daniel K.S. Lau had declared interest on this item for being an ex-employee of the Hong Kong Housing Society which was having current business dealings with KTA. As 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 applicants’ representative requested on 8.3.2019 deferment of the consideration of the application for one month in order to allow time for preparation of further information to address the comments from government departments. This was the first time that the applicants requested deferment of the application.

37. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. The Committee also agreed to advise the applicants that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr Louis K.H. Kau, District Planning Officer/Hong Kong (DPO/HK), and Mr Vincent W.Y. Wong, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Hong Kong District

Agenda Item 8

[Open Meeting]

Proposed Amendments to the Approved Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/33

(MPC Paper No. 2/19)

38. The Secretary reported that AECOM Asia Company Limited (AECOM) was one of the consultants for the proposed amendment. The following Members had declared interests on the item:

Mr Alex T.H. Lai - his firm having current business dealings with AECOM;

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

Mr Franklin Yu - having past business dealings with AECOM.

39. The Committee noted that Mr Franklin Yu had already left the meeting. As Messrs Alex T.H. Lai and Thomas O.S. Ho had no involvement in the proposed amendment, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

40. With the aid of a PowerPoint presentation, Mr Vincent W.Y. Wong, STP/HK, presented the proposed amendments as detailed in the Paper and covered the following main points :

Background

(a) the 2013 Policy Address stated that the Government would adopt

multi-pronged approach to build up land reserve with a view to meeting housing and other development needs. A review of “Green Belt” (“GB”) sites with a relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities was conducted and based on the review, a site at Nam Fung Road (the Site) was identified as a potential housing site;

Proposed Amendment

- (b) Amendment Item A – rezoning of the Site at Nam Fung Road from “GB” to “Residential (Group B)” (“R(B)”) (about 0.59 ha) and stipulation of a building height restriction (BHR) of 90mPD and maximum plot ratio (PR) of 2.5. The Site was a piece of government land, which was disturbed by the construction works for Nam Fung Road in the 1970s. The proposed run-in/run-out was situated at Nam Fung Road;

Technical Assessments

- (c) various technical assessments for the proposed residential development had been completed, including traffic impact assessment, visual appraisal, tree survey, landscape assessment and ecological assessment;
- (d) the findings concluded that the proposed development would not cause any significant adverse impacts. The requirements for a quantitative air quality impact assessment, noise impact assessment and geotechnical assessment would be incorporated into the land sale conditions so that any necessary mitigation measures identified therein would be required to be carried out at the implementation stage;

GIC Facilities and Open Space

- (e) based on the Hong Kong Planning Standards and Guidelines (HKPSG) and the planned population, the planned provision for government, institution and community (GIC) facilities and open space in the area was generally

sufficient;

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

- (f) corresponding revision to the Notes and technical amendments would be made to incorporate the “R(B)” zone and to follow the revised Master Schedule of Notes to Statutory Plans promulgated by the Town Planning Board;

Departmental Consultation

- (g) relevant bureaux and departments consulted had no objection to or no adverse comment on the proposed amendments to the OZP; and

Public Consultation

- (h) on 28.1.2019, the District Development and Housing Committee of the Southern District Council (DC) was consulted. A majority of the DC members raised objections to or had reservation on the proposed amendments mainly on the grounds that the development was piecemeal in nature with limited supply of housing flats; there would be adverse traffic, geotechnical and noise impacts; the Site should be reserved for public housing; the redevelopment of the adjacent Kau Wai Village should be prioritised; and the Government should consider relocating Hong Kong Police College in Wong Chuk Hang for housing development.

Criteria for Site Selection

41. In response to a Member’s query on the site selection and the delineation of the southern boundary of the Site, Mr Louis K.H. Kau, DPO/HK, explained the background of the “GB” review and the criteria of site selection. Apart from the Site currently proposed, two sites zoned “GB” to the east of Site within the Shouson Hill & Repulse Bay Outline Zoning Plan were also identified for residential development subject to the outcome of relevant technical assessments. The boundary of the Site was so delineated with a view to

excluding a private building lot in the Wong Chuk Hang Kau Wai Village.

Meeting Housing Demand

42. A Member enquired whether the Government would consider including the adjacent Wong Chuk Hang Kau Wai Village for residential development to achieve a higher flat production. Mr Louis K.H. Kau, DPO/HK, responded that Wong Chuk Hang Kau Wai Village was largely under private ownership. Redevelopment of the village would involve resumption of private land and take a very long time. In addition, the capacity of Nam Fung Road and the adjacent road network would be a constraint for a larger scale development.

43. Some Members said whilst the proposed rezoning for residential development would provide some 150 units for meeting housing demand, compared with the 10-year housing target of 135,000 private units, it was only a very small portion. In terms of cost-effectiveness, this proposed development should be accorded a low priority.

44. A Member had grave concern on the proposed development of the Site as it was not in line with the recommendation of the Task Force on Land Supply that developing areas on the periphery of country parks was not an option. As the “GB” Review was carried out in 2013 and 2014, the Government should follow the latest recommendation of the Task Force in prioritizing the land supply option.

Traffic Impact

45. Some Members raised concern on the possible traffic impact arising from the proposed residential development. A Member said that during weekend and public holiday, there was traffic jam at Aberdeen Tunnel and Nam Fung Road. Another Member supplemented that traffic jam was also very serious during weekday. There were many GIC facilities along Nam Fung Path, including schools, elderly home and hospitals. In particular, traffic jam was unacceptable for an area with hospital which required smooth and unobstructed traffic flow for emergency at all times. The same Member was concerned that the proposed development might aggravate the congested traffic problem in the area, especially when there were school activities in the nearby primary school resulting in a long queue along Nam Fung Path and adjacent road network. Mr Louis K.H. Kau, DPO/HK,

responded that the vehicular access of the proposed development would be via Nam Fung Road at the northern corner of the Site which was separate from the road access to the primary school. According to the Traffic Impact Assessment commissioned by the Transport Department (TD), the traffic impacts for developing the Site would be insignificant due to the relatively small number of flats produced.

46. Some Members enquired whether there was any improvement to the road based traffic conditions of Aberdeen Tunnel and Nam Fung Road after the commissioning of the South Island Line (East) (SIL(E)). A Member further enquired the frequency of temporary closure of Aberdeen Tunnel before and after the commissioning of SIL(E). Mr Louis K.H. Kau, DPO/HK, said that as indicated by TD, the number of closure of Aberdeen Tunnel had reduced after the commissioning of SIL(E) but no exact data was available at hand.

Impact on Nearby Wong Chuk Hang Kau Wai Village

47. A Member enquired if there was any information on the history of Wong Chuk Hang Kau Wai Village and whether the Planning Department had taken into account the historical value of the village. Mr Louis K.H. Kau, DPO/HK, responded that no information was available at hand on the historical value of the village. According to the aerial photo taken in 1970s, the village was occupying a larger area including the current Aberdeen Tunnel. Some area of the village was subsequently resumed for building the Tunnel. According to the 2016 By-census, about 90 households and 200 villagers were now living in the village. Some Members opined that more information about the historical value of the village should be provided for their consideration of the proposed amendment for residential development.

48. A Member said that strong oppositions from the villagers would be anticipated in view of the adverse impact of the proposed development on the village.

Other Impacts

49. With reference to the photomontage (Plan 6b of the Paper) showing the view point from footbridge at Aberdeen Tunnel toll plaza, a Member pointed out that the impact of the built form with a large podium was substantial. Another Member was concerned that

the proposed development would irreversibly change the urban fringe landscape character and considered that sensible landscape treatments should be carried out. A Member also raised concerns on potential noise and air quality impacts and the technical feasibility of the proposed development from environmental point of view. In response, Mr Louis K.H. Kau, DPO/HK, said that in considering the BHR, the ridgeline of the mountain behind the proposed development had been taken into account. By assuming that the podium would be set at a level of 55mPD, the proposed development with a maximum BHR of 90mPD would not breach the ridgeline. In addition, the tree survey and ecological assessment revealed that there were no old and valuable trees and the ecological value of the Site was low. As advised by the Director of Environmental Protection, insurmountable environmental impact of the proposed residential development was not anticipated. The future developer would be required to conduct air quality and noise impact assessments and any necessary mitigation measures identified therein would be required to be carried out at the implementation stage.

Conclusion

50. Some Members had reservation on the suitability and cost effectiveness of selecting the Site for residential development, while some Members considered that more information on the traffic conditions of the area, in particular, taking into account the frequency of the temporary closure of the Aberdeen Tunnel after the commissioning of the SIL(E), and the historical background and existing conditions of Wong Chuk Hang Kau Wai Village should be provided for the Committee's further consideration of the proposed rezoning of the "GB" site to residential use.

51. After further deliberation, the Committee decided to defer the consideration of the proposed amendments to the approved Aberdeen & Ap Lei Chau OZP pending submission of further information by the Planning Department.

[The Chairperson thanked Mr Louis K.H. Kau, DPO/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr Thomas O.S. Ho left the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/84 Proposed 'Field Study/Education/Visitor Center' (Extension of Academic Block) for Site A and Proposed 'Residential Institution' (Extension of Residential Block) for Site F, Ancillary Utility Installation for Private Project and Excavation of Land in “Site of Special Scientific Interest”, “Green Belt” and “Other Specified Uses” annotated “Radio Communication Station” Zones, The Swire Institute of Marine Science, and Faculty of Science, The University of Hong Kong along Cape d'Aguilar Road, Shek O, Hong Kong
(MPC Paper No. A/H18/84)

52. The Secretary reported that the application was submitted by The University of Hong Kong (HKU). The following Members had declared interests on the item:

- Professor John C.Y. Ng - being the Adjunct Professor of the Department of Urban Planning and Design, HKU;

- Ms Lilian S.K. Law - being the Adjunct Associate Professor of the Department of Social Work and Social Administration, HKU;

- Mr Wilson Y.W. Fung - being the Chairman of Accounting Advisory Board of School of Business, HKU; and

- Mr Alex T.H. Lai - his firm having current business dealings with HKU.

53. As the interests of Professor John C.Y. Ng and Ms Lilian S.K. Law were direct, the Committee agreed that they should be invited to leave the meeting temporarily for this item. As the interest of Mr Wilson Y.W. Fung was remote and Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

[Professor John C.Y. Ng and Ms Lilian S.K. Law left the meeting temporarily at this point.]

Presentation and Question Sessions

54. 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 ‘field study/education/visitor center’ (extension of academic block) for Site A, proposed ‘residential institution’ (extension of residential block) for Site F, ancillary utility installation for private project and associated excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, two public comments were received from local residents objecting the application. Major objection grounds 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 extension of Academic Block within the Site would unlikely cause significant adverse traffic, environmental, ecological, visual and landscape impacts on the surrounding. Concerned departments had no adverse comment on the application. The key installations of utility pipelines and associated excavations within the “Site of Special Scientific Interest” were covered by an Environmental Permit under the Environmental Impact Assessment Ordinance. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

55. A Member raised the following questions:

- (a) whether there were any measures to address the local villagers' concerns on traffic and water supplies aspects; and
- (b) the details of the common access road with Hok Tsui Village.

56. Mr Vincent W.Y. Wong, STP/HK, made the following responses:

- (a) in respect of the traffic concern, the Commissioner for Transport had no objection to the application and stated that Cape D'Aguilar Road was the only access road leading to the Swire Institute of Marine Science (SWIMS). A prohibited zone for all motor vehicles was imposed and only vehicles with permits were allowed for entry. Regarding water supplies, the Chief Engineer/Construction, Water Supplies Department had no objection to the application; and
- (b) as shown on Plan A-2b, both Hok Tsui Village and SWIMS relied on Cape D'Aguilar Road for access.

Deliberation Session

57. In response to a Member's concern on the lack of communication with the villagers of Hok Tsui Village in respect of their concern on traffic conditions on Cape D'Aguilar Road, the Chairperson suggested and Members agreed to add an advisory clause to request the applicant to liaise with the villagers to address their concern.

58. 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 22.3.2023, 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 submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of the precautionary, protective and monitoring measures to the Cape D’Aguilar Lighthouse, the declared monument, to the satisfaction of the Antiquities and Monuments Office, Development Bureau or of the TPB.”

59. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper in addition to the following:

“(h) to liaise with the villagers of Hok Tsui Village to address their concern on traffic conditions on Cape D’Aguilar Road.”

[The Chairperson thanked Mr Vincent W.Y. Wong, STP/HK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

[Professor John C.Y. Ng and Ms Lilian S.K. Law returned to, and Messrs Wilson Y.W. Fung and Stephen H.B. Yau left the meeting at this point.]

[Ms Jessie K.P. Kwan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Kowloon District

Agenda Items 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/763 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Proposed Development for Office, Shop and Services & Eating Place Uses in “Other Specified Uses” annotated “Business” Zone, 350 Kwun Tong Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/763)

A/K14/764 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted Office, Shop and Services & Eating Place Uses in “Other Specified Uses” annotated “Business” Zone, 32 Hung To Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/764)

60. The Committee noted that the two section 16 applications for proposed minor relaxation of plot ratio (PR) and building height (BH) restrictions for permitted office, shop and services and eating place uses were similar in nature and the sites fell within the “Other Specified Uses” annotated “Business” (“OU(B)”) zone with the same maximum building height restriction (BHR) of 100mPD, and agreed that they could be considered together.

61. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup) and WSP Hong Kong Limited (WSP) were the consultants of the applicants. The following Members had declared interests on the items :

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

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

Mr Franklin Yu - having past business dealings with Arup and WSP.

62. The Committee noted that Messrs Franklin Yu and Thomas O.S. Ho had already left the meeting. The Committee agreed that Mr Alex T.H. Lai could stay in the meeting as he had no involvement in the applications.

Presentation and Question Sessions

63. With the aid of a PowerPoint presentation, Ms Jessie K.P. Kwan, STP/K, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed minor relaxation of PR and BH restrictions for permitted office, shop and services & eating place uses;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. For application No. A/K14/764, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) said there was a disproportionate increase in BH and it appeared that there was scope for downward adjustment of the proposed BH for accommodating the additional PR by a different building design. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the statutory publication periods, there were eight and 13 public comments for application No. A/K14/763 and A/K14/764 respectively from members of the Kwun Tong District Council and individuals. Major views were set out in paragraph 10 of both Papers; and
- (e) PlanD's views – PlanD had no objection to both applications based on the assessments set out in paragraph 11 of the Papers. The proposed uses were in line with the planning intention of the "OU(B)" zone and the transformation taking place in Kwun Tong Business Area from industrial to business/commercial uses. Both applications had incorporated full-height setbacks to facilitate provision or widening of road-side pavements, which

in general would enhance the pedestrian environment. The Development Bureau gave policy support to both applications for the proposed minor relaxation of PR by 20%. On technical aspects, concerned departments had no objection to or no adverse comment on both applications in respect of the minor relaxation of PR under applications. For application No. A/K14/763, the proposed minor relaxation of BH might be considered proportionate to the 20% increase in PR under application and the 5.9% increase for the refuge floor cum communal sky garden (communal sky garden) had previously been approved. For application No. A/K14/764, while there was no strong justification and planning merit in support of a relaxation of BHR of 30.2%, which seemed disproportionate to the applied 20% increase in PR, the application site was at the edge of the “OU(B)” cluster subject to BHR of 100mPD and that the sites across Hung To Road was 160mPD. The proposed BH of 130.2mPD might still allow a stepped BH profile descending from inland areas toward the harbourfront and thus might be tolerated.

64. Some Members raised the following questions:
- (a) the car parking requirement for application No. A/K14/764 and the difference of upper and lower limit as required under the Hong Kong Planning Standards and Guidelines (HKPSG) for car parking space;
 - (b) the setback requirements for the application sites; and
 - (c) whether there was any setback requirement along Kwun Tong Road.
65. Ms Jessie K.P. Kwan, STP/K, made the following responses:
- (a) the car parking spaces were provided in accordance with the requirement of the HKPSG. For application No. A/K14/764, the provision complied with the upper range requirement of 83 parking spaces. Compared with the lower range requirement of 61, there were additional 22 parking spaces;

- (b) both applications were subject to setback requirements as stipulated on the Kwun Tong (Western Part) Outline Development Plan (ODP). The width of the setback requirements were mainly for footpath widening to achieve the current standard for pedestrian passageway. For application No. A/K14/763, since currently there was no pedestrian walkway along Hang Yip Street, a 3m setback requirement had been imposed. For Lai Yip Street, a setback of 3m was required under the ODP for the provision of a proposed traveller along Lai Yip Street as set out in the Policy Agenda 2017; and
- (c) there was no setback requirement along Kwun Tong Road for application No. A/K14/763.

66. The Vice-Chairperson and a Member raised the following questions:

- (a) according to the Paper, PlanD was of the view that there was no strong justification and planning merit for application No. A/K14/764 but considered the proposed BHR could be tolerated. Whether the building design could be improved and whether a lower BH was possible;
- (b) the BH profile of the residential development to the north of Kwun Tong Road; and
- (c) both applications proposed a communal sky garden, whether the general public could gain access to the communal sky garden.

67. Ms Jessie K.P. Kwan, STP/K, made the following responses:

- (a) for application No. A/K14/764, the building was oriented with prescribed window facing the adjacent building and a terraced design was adopted for the upper floor. According to the Building (Planning) Regulations, the permissible site coverage was up to 60% while that for the proposed scheme was in the range of about 35% to 45%. The applicant had not provided strong justification for the building deposition and the relatively

low site coverage for the proposed office building. While there might be scope to lower the BH of the proposed development, PlanD considered that the proposed BH could be tolerated as a stepped BH profile descending from inland areas towards the harbourfront could be maintained;

- (b) for the residential cluster to the north of Kwun Tong Road, there was no BHR for the residential zone on the OZP. The existing BH mainly ranged from 70mPD to 90mPD; and
- (c) as required under the Joint Practice Note No. 1: Green and Innovative Buildings, the sky garden was to be designated for the exclusive use of the owners, tenants and their visitors only.

68. In response to a Member's question on whether the approval would set a precedent for allowing BH of 130mPD for buildings within the same area, Ms Jessie K.P. Kwan, STP/K, said that every application would be considered on a case by case basis taking into account the site constraints, design requirements and relevant technical assessments. The planning approval of application No. A/K14/764 of 130.2mPD would not necessarily set a benchmark for other applications.

[Mr Daniel K.S. Lau left the meeting at this point.]

Deliberation Session

69. The Chairperson remarked that as set out in the Policy Address 2018, there was a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 industrial buildings as an incentive for facilitating redevelopment. These two applications were the first two applications for such minor relaxation. Minor relaxation of PR was subject to the technical assessments confirming the feasibility of the proposed development and corresponding minor relaxation of BHR would be considered on a case by case basis, taking into account specific site constraints.

70. Members generally had no objection to application No. A/K14/763 for the

proposed minor relaxation of PR as it was in line with the current policy and was technically feasible, and the applicant had provided justification for the minor relaxation of BHR, which was considered acceptable.

71. For application No. A/K14/764, the Vice-Chairperson and some Members were of the view that there was no strong justification nor planning merit for the proposed minor relaxation of BHR to 130.2mPD.

72. A Member noted that the floor-to-floor height of the proposed development under application No. A/K14/764 was mainly 3.5m and considered that the proposed minor relaxation of BHR was not unacceptable.

73. Another Member considered that for application No. A/K14/764, the design was not efficient with the proposed building façade facing the adjacent building, leading to the increase in BH. In addition, the footprint of the 27th to 33rd floors was quite inefficient. With better building design, it appeared that there was scope for downward adjustment of the proposed BH for accommodating the additional PR. In addition, the provision of an additional floor above ground level for car parking to meet the upper range parking requirement, resulting in increase of BH, was undesirable.

74. Some Members shared the view of not supporting application No. A/K14/764 as it would set an undesirable precedent for similar applications for a higher BH that might not be fully justified.

For Application No. A/K14/763

75. 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 22.3.2023, 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) provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;

- (b) submission of sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment for the proposed development in condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) submission of a revised traffic impact assessment, and implementation of the mitigation measures, if any, identified therein, to the satisfaction of the Commissioner for Transport or of the TPB; and
- (e) provision of parking facilities, loading/unloading spaces, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.”

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

For Application No. A/K14/764

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

- “(a) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction; and
- (b) the approval of the application would set an undesirable precedent for similar applications for minor relaxation of building height restriction in the area, the cumulative effects of approving similar applications would have adverse visual impact on the area.”

[The Chairperson thanked Ms Jessie K.P. Kwan, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 12

Any Other Business

78. There being no other business, the meeting closed at 1:20 p.m..