

TOWN PLANNING BOARD

Minutes of 628th Meeting of the Metro Planning Committee held at 9:00 a.m. on 31.5.2019

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

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Chief Traffic Engineer/Kowloon,
Transport Department
Mr David C.V. Ngu

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

Dr Lawrence W.C. Poon

Mr Alex T.H. Lai

Mr Stanley T.S. Choi

Professor Jonathan W.C. Wong

In Attendance

Assistant Director of Planning/Board
Ms April K.Y. Kun

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

Town Planner/Town Planning Board
Mr Gary T.L. Lam

Agenda Item 1

Confirmation of the Draft Minutes of the 627th MPC Meeting held on 17.5.2019

[Open Meeting]

1. The draft minutes of the 627th MPC meeting held on 17.5.2019 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

[Ms Caroline T.Y. Tang, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

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/K2/217B)
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3. The Committee noted that a replacement page (Page 6 of the Main Paper) rectifying the comment of District Lands Officer/Kowloon West, Lands Department was dispatched to Members before the Meeting.

4. The Secretary reported that the application site was located in Ya Ma Tei. The applicant was submitted by the Hong Kong Chinese Civil Servants' Association (HKCCSA). Wong Pak Lam & Associates Consulting Engineers & Architects Limited (WPL) was one of the consultants of the applicant. The following Members had declared interests on the item:

Mr Alex T.H. Lai	-	his firm having current business dealings with WPL;
Mr Martin W.C. Kwan]	
<i>(Chief Engineer</i>]	
<i>(Works), Home Affairs</i>]	
<i>Department)</i>]	
]	
Mr Simon S.W. Wang]	being an ordinary member of HKCCSA; and
<i>(Assistant Director</i>]	
<i>(RI), Lands Department)</i>]	
]	
Miss Fiona S.Y. Lung]	
<i>(the Secretary)</i>		
Mr Stanley T.S. Choi	-	his spouse being a director of a company which owned properties in Yau Ma Tei.

5. The Committee noted that Messrs Alex T.H. Lai and Stanley T.S. Choi had tendered apologies for being unable to attend 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 ordinary members of the HKCCSA having no control over HKCCSA's proposed development could be allowed to stay in the meeting. The Committee agreed that Messrs Martin W.C. Kwan and Simon S.W. Wang and Miss Fiona S.Y. Lung could stay in the meeting.

Presentation and Question Sessions

6. With the aid of a PowerPoint presentation, Ms Caroline T.Y. Tang, STP/TWK,

presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height (BH) restriction from 2 storeys to 3 storeys for permitted sports and recreation club;
- (c) departmental comments – departmental comments were set out in paragraph 8 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, five public comments were received, which generally expressed opposing views. The major views were set out in paragraph 9 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 10 of the Paper. Minor relaxation of BH restriction from 2 storeys to 3 storeys to accommodate the proposed lower ground (LG/F) for a lift lobby was mainly technical and minor in nature. The current proposal could enhance the internal circulation for both the existing building and the proposed annex block and the provision of additional facilities to serve the HKCCSA at the Site. The proposed minor relaxation of BH restriction could be considered as having satisfied the relevant criteria in the Explanatory Statement of the OZP, while no adverse landscape and visual impacts would be resulted. Relevant government departments had no objection to or no adverse comments on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

Private Recreation Lease (PRL) and HKCCSA

7. A Member enquired if there was any requirement for allowing public usage of the HKCCSA facilities under the current PRL of the Site and if yes, the actual public usage

figure. Ms Caroline T.Y. Tang, STP/TWK, responded that the HKCCSA was required to allow the public to use their facilities, including tennis courts, multi-purpose activity rooms and multi-purpose hall, under the current PRL for a minimum of 50 hours per month. The HKCCSA had further guaranteed the opening hours of 480. However, no utilisation figure had been provided by the applicant. In response to a Member's enquiry, Ms Tang said that the current PRL was renewed in 2014 and would be valid until 2026 and the Home Affairs Bureau (HAB) would be responsible for the review of the PRL.

8. In response to a Member's question regarding the composition of members and premises of the HKCCSA, Ms Caroline T.Y. Tang, STP/TWK, said that the HKCCSA currently had about 54,000 members comprising civil servants and non-civil service contract staff. Apart from the application site at Wylie Road, the HKCCSA had another premise on the Hong Kong Island which was used as their office.

Proposed Annex Block

9. In response to a Member's enquiry, Ms Caroline T.Y. Tang, STP/TWK, briefly explained the proposed uses of the new annex block. Since there was no lift or barrier free access (BFA) at the existing building, provision of the proposed lift at LG/F would allow disabled persons to access various floors of both the existing building and the proposed annex block.

10. For Members' background information, Ms Caroline T.Y. Tang, STP/TWK, said that a set of building plans for a 2-storey annex block, which was permitted under the OZP, was approved by the Buildings Authority in 2018. Unlike the current proposal, the approved 2-storey annex block did not have the provision of BFA.

Deliberation Session

11. A Member considered that the publicity on the availability of the facilities under PRL for public usage could be further enhanced to raise the public awareness. Members noted that the review of PRL had been completed and HAB was monitoring the public usage of the facilities under the PRL. Members agreed that HAB should be requested to consider measures to facilitate better dissemination of the information on the availability of the PRL

facilities for public usage.

12. 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 31.5.2023, 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 of an Air Quality Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the revised Sewerage Impact Assessment in approval condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

[The Chairman thanked Ms. Caroline T.Y. Tang, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Ms Katy C.W. Fung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/506 Temporary “Public Vehicle Park (excluding Container Vehicle) (Surplus Vehicle Parking Spaces Only)” for a Period of 5 Years in “Residential (Group A)” Zone, (a) Carpark under podium and open carparks at Cheung Shan Estate, Tsuen Wan
(b) Open carparks at Fuk Loi Estate, Tsuen Wan, New Territories
(MPC Paper No. A/TW/506)

14. The Committee noted that a replacement page (Page 7 of the Main Paper) rectifying information under paragraph 10.2 was dispatched to Members before the Meeting.

15. The Secretary reported that the application site was located in Tsuen Wan. The applicant was submitted by the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item:

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| Mr Martin W.C. Kwan
<i>as the Chief Engineer
(Works), Home Affairs
Department</i> | - | being an alternate representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidized Housing Committee of HKHA; |
| Mr Thomas O.S. Ho | - | having current business dealings with HKHA; |
| Mr Alex T.H. Lai | - | his firm having current business dealings with HKHA; |
| Dr Lawrence W.C. Poon | - | his spouse being an employee of the Housing Department (HD), which was the executive arm of HKHA, but not involved in planning work; |
| Mr Franklin Yu | - | being a member of Building Committee of HKHA; |
| Mr Daniel K.S. Lau | - | being an ex-Director (Development and Marketing) of Hong Kong Housing Society, |

which was in discussion with HD on housing development issues;

- Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Tsuen Wan; and
- Professor John C.Y. Ng - his spouse owning a flat in Tsuen Wan.

16. The Committee noted that Dr Lawrence W.C. Poon, Messrs Alex T.H. Lai and Stanley T.S. Choi had tendered apologies for being unable to attend the meeting and Mr Franklin Yu had not yet arrived to join the meeting. As the interests of Messrs Martin W.C. Kwan and Thomas O.S. Ho were direct, the Committee agreed that they should leave the meeting temporarily for the item. As Mr Daniel K.S. Lau had no involvement in the application and the property of Professor John C.Y. Ng's spouse had no direct view of the application sites, the Committee agreed that they could stay in the meeting.

[Mr Martin W.C. Kwan left the meeting temporarily and Mr Thomas O.S. Ho left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) (surplus vehicle parking spaces only) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 8 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, one public

comment was received providing views. The major views were set out in paragraph 9 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments set out in paragraph 10 of the Paper. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilise resources more efficiently and the parking need of the residents would not be compromised. There was no change in planning circumstances and the approval of the application was consistent with the decisions of the Committee on previous and similar applications. An approval condition requiring priority be given to residents of the estates in the letting of surplus vacant parking spaces was recommended. An advisory clause to advise the applicant that consideration might be given to letting the surplus vehicle parking spaces for community uses was suggested. Relevant government departments had no objection to or no adverse comments on the application. Regarding public comment received, the occupancy rate and demand for parking spaces had been reviewed continuously and the feasibility of converting the parking space to other uses would be explored.

18. Members had no question on the application.

Deliberation Session

19. After deliberation, the Committee decided to approve the application on a temporary basis for a period of five years until 31.5.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“priority should be accorded to the residents of Cheung Shan Estate and Fuk Loi Estate in the letting of the vacant vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

20. The Committee also agreed to advise the applicant to note the following advisory clause :

“consideration may be given to letting the surplus vehicle parking spaces for community uses so as to fully utilize the vacant vehicle parking spaces in the subject housing estate.”

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

Agenda Item 5

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/1A)

21. The Secretary reported that Kenneth To & Associates Ltd. (KTA) was one of the consultants of the applicant. The following Member had declared an interest on the item:

Mr Daniel K.S. Lau - being an ex-Director (Development and Marketing) of Hong Kong Housing Society, which had current business dealings with KTA.

22. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr Daniel K.S. Lau had no direct involvement in the application, the Committee agreed that he could stay in the meeting.

23. The Committee noted that the applicant’s representative requested on 17.5.2019 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. 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 comments.

24. 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 one month was allowed for preparation of the submission of the further information. Since it was the second deferment and a total of two months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

[Mr Stephen C.Y. Chan, Senior Town Planner/Tsuen Wan & West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/461 Temporary "Public Vehicle Park (excluding container vehicle)" for a Period of 5 Years (Surplus Car Parking Spaces Only) and Minor Relaxation of Non-Domestic Plot Ratio of "Residential (Group A)" Zone in "Open Space" and "Other Specified Uses" annotated "Petrol Filling Station" and "Residential (Group A) 2" and "Residential (Group A)" and "Residential (Group E)" Zones and an area shown as 'Road', Kwai Chung Estate, Kwai Chung, New Territories
(MPC Paper No. A/KC/461)

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

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| Mr Martin W.C. Kwan
<i>as the Chief Engineer
(Works), Home Affairs
Department</i> | - | being an alternate representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidized Housing Committee of HKHA; |
| Mr Thomas O.S. Ho | - | having current business dealings with HKHA; |
| Mr Alex T.H. Lai | - | his firm having current business dealings with HKHA; |
| Dr Lawrence W.C. Poon | - | his spouse being an employee of the Housing Department (HD), which was the executive arm of HKHA, but not involved in planning work; |
| Mr Franklin Yu | - | being a member of Building Committee of HKHA; and |
| Mr Daniel K.S. Lau | - | being an ex-Director (Development and Marketing) of Hong Kong Housing Society, which was in discussion with HD on housing development issues; |

26. The Committee noted that Dr Lawrence W.C. Poon and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting, Mr Thomas O.S. Ho had already left the meeting, Mr Franklin Yu had not yet arrived to join the meeting, and Mr Martin W.C. Kwan had not yet returned to the meeting. As Mr Daniel K.S. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

27. 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 temporary public vehicle park (excluding container vehicle) (surplus car parking spaces only) and minor relaxation of non-domestic plot ratio for

the proposed public vehicle park (excluding container vehicle) for a period of five years;

- (c) departmental comments – departmental comments were set out in paragraph 8 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, one supporting public comment was received. The major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments set out in paragraph 10 of the Paper. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilise resources more efficiently and the parking need of the residents would not be compromised. There was no change in planning circumstances and the approval of the application was consistent with the decisions of the Committee on previous and similar applications. An approval condition requiring priority be given to residents of the estate in the letting of surplus vacant parking spaces was recommended. An advisory clause to advise the applicant that consideration might be given to letting the surplus vehicle parking spaces for community uses was suggested. Relevant government departments had no objection to or no adverse comments on the application.

28. Members had no question on the application.

Deliberation Session

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of five years until 31.5.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“priority should be accorded to the residents of Kwai Chung Estate in Kwai Chung in the letting of the surplus vehicle parking spaces and the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

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

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

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/TY/137 Proposed Open Storage of Sand (Pre-made Sandbags Only) in “Other Specified Uses” annotated “Boatyard and Marine-oriented Industrial Uses” Zone, Tsing Yi Town Lot 14 (Part) and Adjoining Government Land, Tam Kon Shan Road, Tsing Yi, New Territories
(MPC Paper No. A/TY/137)

31. The Committee noted that the applicant’s representative requested on 27.5.2019 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. It was the first time that the applicant requested deferment of the application.

32. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/TY/139 Temporary Concrete Batching Plant for a Period of 5 Years in
 "Industrial" Zone, Tsing Yi Town Lot 108 RP (Part), Sai Tso Wan Road,
 Tsing Yi, New Territories
 (MPC Paper No. A/TY/139)

33. The Secretary reported that the application was submitted by the Hongkong United Dockyards Ltd. (HUDL), which was a joint venture between CK Hutchison Holdings Ltd. (CKHH) and Swire Pacific Ltd. (SPAL). AECOM Asia Co. Ltd. (AECOM) was one of the consultants of the applicant. The following Members had declared interests on the item:

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| Mr Alex T.H. Lai | - | his firm having current business dealings with HUDL, Swire Properties Ltd. (SPRL) and AECOM, and SPAL was one of the major shareholders of SPRL; |
| Mr Thomas O.S. Ho | - | having current business dealings with SPRL and AECOM; and |
| Mr Franklin Yu | - | having past business dealings with AECOM. |

34. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting, Mr Thomas O.S. Ho had already left the meeting, and Mr Franklin Yu had not yet arrived to join the meeting.

35. The Committee noted that the applicant's representative requested on 22.5.2019 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. It was the first time that the applicant requested deferment of the application.

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

[Mr Franklin Yu arrived to join the meeting at this point.]

Hong Kong District

Agenda Item 9

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of the Submission for Compliance with Approval Condition (j) of Application No. A/H4/94

Proposed Alteration and Modification Works to the Building and External Façade for Cultural/Leisure/Retail/Food & Beverage Uses/Open Space/Ancillary Support, for the Central Market Revitalization Project in "Other Specified Uses" annotated "Building with Historical and Architectural Interests Preserved for Commercial, Cultural and/or Community Uses" Zone, The Former Central Market, 80 Des Voeux Road Central, Central, Hong Kong (MPC Paper No.9/19)

37. The Committee noted that a replacement page (page 2 of the Main Paper) rectifying information under paragraph 2.2 was tabled at the meeting for Members' reference.

38. The Secretary reported that the application was submitted by the Urban Renewal Authority (URA). AGC Design Ltd. (AGC), Ove Arup & Partners Hong Kong Ltd. (ARUP) and AECOM Asia Co. Ltd. (AECOM) were the consultants of the applicant. The following Members had declared interests on the item :

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| Mr Raymond K.W. Lee
<i>(the Chairman)</i>
<i>as Director of Planning</i> | - | being a non-executive director of the URA Board and a member of the Planning, Development and Conservation Committee of URA; |
| Mr Lincoln L.H. Huang
<i>(the Vice-chairman)</i> | - | being the Deputy Chairman of Appeal Board Panel of URA; |
| Dr Lawrence W.C. Poon | - | being a non-executive director of the URA Board, a member of the Lands, Rehousing and Compensation Committee and the Planning, Development and Conservation Committee, and a director of the Board of the Urban Renewal Fund (URF) of URA; |
| Mr Wilson Y.W. Fung |]]]] | being a director of the Board of the URF of URA; |
| Ms Lilian S.K. Law |]]]] | |
| Mr Thomas O.S. Ho | - | having current business dealings with URA, ARUP and AECOM; |
| Mr Alex T.H. Lai | - | his firm having current business dealings with URA, AGC, ARUP and AECOM; |
| Mr Daniel K.S. Lau | - | being an ex-Director (Development & Marketing) of Hong Kong Housing Society which was currently in discussion with URA on housing development issues; and |
| Mr Franklin Yu | - | having past business dealings with ARUP and AECOM. |

39. The Committee noted that Dr Lawrence W.C. Poon and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting and Mr Thomas O.S. Ho had already left the meeting. As the interests of Messrs Raymond K.W. Lee (the Chairman) and

Lincoln L.H. Huang (the Vice-chairman) were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. According to the procedure and practice adopted by the Town Planning Board, as a matter of necessity, the Chairman or the Vice-chairman should continue to assume the chairmanship. As the interest of the Vice-chairman was comparatively less direct than the Chairman, the Vice-chairman should take over the chairmanship for the item but a conscious effort should be made to contain his scope of involvement in an administrative role. As the interests of Ms Lilian S.K. Law and Mr Wilson Y.W. Fung were indirect, and Messrs Daniel K.S. Lau and Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

[Mr Raymond K.W. Lee (the Chairman) left the meeting temporarily at this point.]

40. The following representatives from the Planning Department (PlanD), the Transport Department (TD) and URA were invited to the meeting at this point:

Mr J.J. Austin	-	Senior Town Planner/Hong Kong (STP/HK), PlanD
Mr Ryan W.Y. Fung	-	Senior Engineer/Central & Western, TD
Mr Wilfred Au]	
]	
Mr Lawrence Mak]	representatives of URA, the applicant
]	
Mr Jackey Chan]	

Presentation and Question Sessions

41. The Vice-chairman extended a welcome and invited Mr J.J. Austin, STP/HK, to brief Members on the submission for compliance with approval condition (j) in respect of planning application No. A/H4/94. With the aid of a PowerPoint presentation, Mr J.J. Austin, STP/HK, presented the applicant's submission and covered the following main points as detailed in the Paper :

Background

(a) on 12.4.2019, the Committee decided not to agree to the applicant's

submission for compliance with approval condition (j) of planning permission for application No. A/H4/94 on footpath widening proposals in connection to the entrance widening proposals of Queen Victoria Street and Jubilee Street. The Committee considered that the applicant could explore other means to widen the footpath and further liaise with the relevant departments to explore possible alternative arrangements on the existing lay-bys along Queen Victoria Street and Jubilee Street;

Refined Footpath Widening Proposal

- (b) the applicant had further liaised with relevant government departments and submitted a refined footpath widening proposal. For the western side of Queen Victoria Street, it was proposed to extend the footpath widening by 4m up to a total length of about 40m, while the length of the lay-by was reduced accordingly to 30m. The reduced lay-by length of 4m would be re-provisioned at Jubilee Street. For the eastern side of Jubilee Street, it was proposed to convert about 6m (length) by 1.5m (width) of road carriageway fronting the entrance of Central Market into footpath. The total length of lay-by along Jubilee Street would be increased by 4m from about 65m to 69m for re-provisioning of the reduced lay-by length at Queen Victoria Street. The lay-by along Jubilee Street would be split into two sections of 39m and 30m;

- (c) with regard to some Members' suggestion at the previous meeting to recess the glass folding doors at the entrances of Central Market along Queen Victoria Street and Jubilee Street, the applicant indicated that the proposed setting back of the glass folding doors would jeopardize the conservation intention of the two facades facing Queen Victoria Street and Jubilee Street, which was one of the important Character Defining Elements (CDEs) of the Central Market;

Departmental Comments

- (d) departmental comments were set out in paragraph 3 of the Paper.

Concerned government departments had no objection to or no adverse comment on the current proposal; and

Planning Department (PlanD)'s Views

- (e) PlanD considered the submission made by the applicant to fulfil approval condition (j) acceptable based on the assessments set out in paragraph 4 of the Paper. Noting Members' concerns, the applicant had explored the feasibility of further widening the footpath on Queen Victoria Street and Jubilee Street. With agreement of the Transport Department (TD), further footpath widening was proposed and concerned departments had no comment on /no objection to the revised footpath widening proposals. As for the suggestion to recess the glass folding doors, the applicant considered that the proposal would disrupt the continuity and horizontality of the streamlined elevation facades and jeopardise the preservation of the column grid of Central Market, both of which were CDEs of the proposed Grade 3 historic building. It was considered that the applicant had exhausted the possible options given the site constraints, in particular the need to maintain 99m long kerbside lay-bys along Queen Victoria Street and Jubilee Street.

42. The Vice-chairman invited the representatives of the applicant to elaborate on the submission. With the aid of a PowerPoint presentation, Mr Wilfred Au, the representative of the applicant, made the following main points:

- (a) the refinements to the footpath widening proposal, including extending the footpath widening by 4m in length along the western side of Queen Victoria Street and converting part of the road carriageway of about 6m into footpath, were both fronting the entrances of the Central Market in order to enhance the pedestrian circulation;
- (b) the proposed glass folding doors which aligned with the existing façade of the Central Market were in line with the conservation intention. The two facades facing Queen Victoria Street and Jubilee Street were one of the

important CDEs. Recessing the glass folding doors was undesirable from conservation point of view; and

- (c) with the provision of an atrium within the Central Market and enhancement of accessibility, pedestrian could use the major circulation path and public spaces within the Central Market as an alternative to the pavement of the adjoining streets.

43. The Vice-chairman then invited questions from Members. Some Members raised the following comments or enquiries:

- (a) generally supported the Central Market Revitalisation Project and the proposed footpath widening;
- (b) implications of recessing the glass folding doors on the elevations and façades as a CDE and whether other type of doors had been considered;
- (c) how the pedestrian circulation and experience with the footpath widening proposal and pavement design could be enhanced;
- (d) comparison of the original façade and the proposed façade treatment with the glass folding doors; and
- (e) pedestrian circulation arrangement at various levels and opening hours of the Central Market.

44. Mr J.J. Austin, STP/HK, and Mr Wilfred Au, representative of the applicant, made the following responses:

- (a) recessing the glass folding doors near the entrances at Queen Victoria Street and Jubilee Street without altering the preserved columns would affect the continuity and horizontality of the streamlined elevation façade, which was one of the CDEs. When the glass folding doors were closed, they could provide a coherent feeling with the original white wall on G/F of

the former Central Market along Queen Victoria Street and Jubilee Street;

- (b) with the glass folding doors near the entrance to enhance visual permeability and the choice of paving materials matching with the pavement, the pedestrian would have a sense of integration with the public spaces on G/F of the Central Market. As the existing columns near the entrances would be preserved and the glass folding doors would only take up a minimal amount of space when they were fully opened, recessing the glass folding doors might not help to widen the circulation space along the pavement. The glass folding doors would remain open during the opening hours of the Central Market and it was considered the proposed design and location of glass folding doors had achieved a balance between conservation and pedestrian circulation. No other type of doors had been considered, including vertical roller shutter;
- (c) various escalators, lifts and staircases, including the grand staircase which was one of the preserved elements, would be provided to enhance the pedestrian circulation and barrier free access between different levels. The building would also be well connected with adjacent streets on G/F level and the Central-Mid-Levels Escalator on 2/F level with 24-hour public access; and
- (d) the public space and the atrium on G/F would remain open during reasonable hours, subject to the final operation mode of the Central Market and further liaison with the Lands Department on detailed conditions of the Private Treaty Grant.

45. As there was no further question from Members, the Vice-chairman informed the representatives of the applicant that the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Vice-chairman thanked the representatives of PlanD, TD and the applicant for their attendance to answer Members' enquiries. They left the meeting at this point.

Deliberation Session

46. Members generally considered that the proposed glass folding doors and further widening the pavement along Queen Victoria Street and Jubilee Street could enhance the pedestrian circulation and experience, and the applicant had made effort to further liaise with relevant government departments for improvement measures.

47. Some Members considered that glass folding doors, which would be opened during reasonable hours would be adequate to address the pedestrian flow of the area during peak hours, and supported the proposal of matching the paving materials near the entrances of the building with the outside pavement to create a more unifying ambience. A Member considered that the use of glass folding doors would reduce the width of the ground floor entrance connecting to the pavement and the design of the doors near the entrances could be further enhanced to allow a more spacious pavement, such as vertical roller shutter. A Member further suggested that the design of the glass folding doors should match with the existing façade upon completion.

48. Members generally agreed that the applicant's current submission for compliance with the approval condition (j) was acceptable.

49. After deliberation, the Committee decided to agree that the applicant's current submission was acceptable for compliance with approval condition (j) of Application No. A/H4/94.

[Mr Raymond K.W. Lee returned to join the meeting at this point.]

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

Kowloon District

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K/21 Temporary Public Vehicle Park (excluding Container Vehicle) (Surplus Vehicle Parking Spaces only) for a Period of 5 Years in “Residential (Group A)” Zone, (a) Ma Tau Wai Estate, Kowloon City, Kowloon
(b) Sheung Lok Estate, Ho Man Tin, Kowloon
(MPC Paper No. A/K/21)

50. The Secretary reported that the application site was located in Ho Man Tin. The applicant was submitted by the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item:

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|--|---|--|
| Mr Martin W.C. Kwan
<i>as the Chief Engineer
(Works), Home Affairs
Department</i> | - | being an alternate representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidized Housing Committee; |
| Mr Thomas O.S. Ho | - | having current business dealings with HKHA; |
| Mr Alex T.H. Lai | - | his firm having current business dealings with HKHA; |
| Dr Lawrence W.C. Poon | - | his spouse being an employee of the Housing Department (HD), which was the executive arm of HKHA, but not involved in planning work; |
| Mr Franklin Yu | - | being a member of Building Committee of HKHA; |
| Mr Daniel K.S. Lau | - | being an ex-Director (Development and Marketing) of Hong Kong Housing Society, which was in discussion with HD on housing development issues; and |

- Mr Stanley T.S. Choi - jointly with his spouse owning a property in Ho Man Tin and his spouse being a director of a company which owned a property in Ho Man Tin.

51. The Committee noted that Dr Lawrence W.C. Poon, Messrs Alex T.H. Lai and Stanley T.S. Choi had tendered an apology for being unable to attend the meeting and Mr Thomas O.S. Ho had already left the meeting. As the interests of Messrs Martin W.C. Kwan and Franklin Yu were direct, the Committee agreed that they should leave the meeting temporarily for the item. As Mr Daniel K.S. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

[Messrs Martin W.C. Kwan and Franklin Yu left the meeting temporarily at this point.]

Presentation and Question Sessions

52. With the aid of a PowerPoint presentation, Mr Mak Chung Hang, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) (surplus vehicle parking spaces only) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 8 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, two public comments objecting to the application were received. The major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the

assessments set out in paragraph 10 of the Paper. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilise resources more efficiently and the parking need of the residents would not be compromised. There was no change in planning circumstances and the approval of the application was consistent with the decisions of the Committee on previous and similar applications. An approval condition requiring priority be given to residents of the estate in the letting of surplus vacant parking spaces was recommended. An advisory clause to advise the applicant that consideration might be given to letting the surplus vehicle parking spaces for community uses was suggested. Relevant government departments had no objection to or no adverse comments on the application. Regarding public comments received, the planning assessments above were relevant.

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of five years until 31.5.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

“priority should be accorded to the respective residents of Ma Tau Wai Estate and Sheung Lok Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

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

[Messrs Martin W.C. Kwan and Franklin Yu returned to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/330 Renewal of Planning Approval for Temporary School (Kindergarten) for a Period of 3 Years in “Residential (Group C) 1” Zone, 2 Essex Crescent, Kowloon Tong, Kowloon

(MPC Paper No. A/K18/330)

56. The Secretary reported that the application site was located in Kowloon Tong. The following Members had declared interests on the item:

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| Dr Lawrence W.C. Poon | - | working in the City University of Hong Kong and living in its quarters in Kowloon Tong; and |
| Mr Stanley T.S. Choi | - | his spouse was a director of a company which owned properties in Kowloon Tong. |

57. The Committee noted that Dr Lawrence W.C. Poon and Mr Stanley T.S. Choi had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

58. With the aid of a PowerPoint presentation, Mr Mak Chung Hang, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary school (kindergarten) under application No. A/K18/304 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Education (SED) did not support stipulating the planning conditions in the school registration.

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, a total of 904 public comments were received. Among them, 883 comments supported the application, 20 comments objected to the application and one comment providing views. The 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 on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, it generally complied with the assessment criteria in Town Planning Board Guidelines No. 34C for consideration of renewal of planning permission and the applied use might be tolerated. There had been no material change in planning circumstances and the surrounding land uses since the last temporary approval was granted. The maximum number of classrooms and students remained the same as the last approved application. The applicant had made relevant submissions for compliance with approval conditions and it was considered that genuine efforts had been made to implement the traffic mitigation measures. The approval period sought was considered reasonable and concerned government departments had no objection to or no adverse comments on the application. Relevant planning conditions on the proposed traffic mitigation measures were suggested. An advisory clause to advise the applicant that the renewal application would be considered on individual merits taking into account the planning circumstances at the time of consideration and there was no guarantee that the permission would be renewed was suggested. Regarding public comments received, the comments of concerned government departments and the planning assessments above were relevant.

59. Some Members raised the following questions:

- (a) the history of planning applications for the application site and the kindergarten use on site;
- (b) whether the applicant had submitted bi-monthly traffic monitoring reports for compliance of relevant planning condition and whether similar condition would be suggested for renewal of this application and stipulating in the school registration;
- (c) the number of students and the utilisation rate of the kindergarten in the previous school years;
- (d) the similar applications in the Kowloon Tong Garden Estate (KTGE) and the planning criteria for consideration of those applications; and
- (e) the planning applications for the site to the immediate east of the application site as shown on Plan A-1.

60. In response, Mr Mak Chung Hang, STP/K, made the following main points:

- (a) the application site was subject to three previous planning applications. The first application (No. A/K18/228) for a temporary school (kindergarten) for a period of 18 months was approved in 2011, another application (No. A/K18/304) for the same use for 3 years was allowed by the Town Planning Appeal Board in 2016, and an application (No. A/K18/317) for proposed school (vocational community tutorial school) was approved on a temporary basis for 3 years in 2015 but was later revoked in 2017. The application site was used for kindergarten between 2011 and 2013, and it was re-opened in 2017 and still operating;
- (b) the applicant had submitted bi-monthly traffic monitoring reports and the same condition was suggested for this renewal application. However, according to the Education Bureau (EDB), it was a common practice of not stipulating relevant planning conditions in the school registration;

- (c) the kindergarten had 22 and 16 students in the school year of 2017 and 2018 respectively, while the maximum number of students under the previous planning application was 216. The maximum student capacity under school registration of EDB was 108, which was in line with the planning application. The kindergarten had only utilised the G/F during the period, and it was only half of the maximum capacity under previous approved application which included both G/F and 1/F. The kindergarten at the application site was only one of the premises in the area run by the same operator. Some supportive comments were submitted by parents and owners in the area, Kowloon City District Council Members and also parents of other districts;

- (d) all similar applications in the area were shown in Plan A-1 of the Paper. Most of the approved kindergartens were still in operation, including some kindergartens near the application site, while six of the kindergartens had ceased operation due to redevelopment for residential use. The Town Planning Board Guidelines No. 23A (TPB PG-No. 23A) was normally used to assess fresh applications for kindergarten in KTGE and the key planning criteria included the provision of traffic impact assessment (TIA) and proposal for mitigation measures to tackle any traffic problems, as well as adequate provision of parking and loading/unloading facilities within the premises; and

- (e) the site located to the immediate east of the application site was subject of two planning applications for uses including kindergarten. The application No. A/K18/159 was rejected by the Committee in June 2000 on the grounds that the provision of on-site parking and loading/unloading facilities within the site was unsatisfactory and the site was subject to severe traffic noise impacts, amongst other reasons. Subsequently, the application No. A/K18/165 was approved with conditions in October 2000 as the Committee considered that the concerns raised in the previously rejected application (i.e. No. A/K18/159) had been satisfactorily addressed.

Deliberation Session

61. The Chairman advised that the TPB PG-No. 23A was promulgated to avoid further aggravating the present traffic conditions in the KTGE due to the increasing number of planning applications for kindergartens/child care centres in the area. This application was for renewal of an approved application.

62. A Member considered that liaison for renewal of an approved application between relevant government departments and the applicant should be commenced at an earlier stage as application for renewal close to school year commencement was not desirable. Members noted that the applicant had the flexibility to apply for renewal of the approved application prior to the expiration of the permission's validity period.

63. A Member was of the view that the applied use was not in line with the planning intention of the "R(C)" zone in the KTGE and the planning approval should not be renewed. Another Member considered temporary planning approval for kindergarten for three years was not suitable as kindergarten curriculum would usually last for three to four years. A Member did not support the application noting that the same kindergarten operator was currently operating six campuses under the same brand name in the KTGE and also some kindergartens in other districts. As the kindergarten under application only had 16 students in 2018, the operator should be able to make proper arrangement for those students in case the renewal application was rejected.

64. The Vice-chairman and some Members considered that since there was no change in planning circumstances and the approval conditions under previous application had been complied with, there was no strong reason to reject the renewal application. A Member said that while there was no known proposal for residential development on the site and the applied use had no adverse impact on the area, it was appropriate for granting temporary approval for kindergarten use at the site. The Vice-chairman supplemented that whether a period of three years was too short for the operation of the kindergarten should be considered by EDB in the context of school registration.

65. As Members' view were divided, the meeting agreed to take a vote. A majority considered that the planning permission should be granted with an additional advisory clause

to remind the applicant that the planning approval was renewed on a temporary basis for a period of three years so as to allow time for the applicant to relocate the kindergarten to a more suitable location. No further renewal of the approval would be given unless with very strong justifications.

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years from 1.8.2019 to 31.7.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the maximum number of students to be accommodated within the Site shall not exceed 216 for each morning and afternoon school session;
- (b) the school hours shall be restricted from 9:30am to 12:30pm and 2:00pm to 5:00pm Monday to Friday, as proposed by the applicant, during the school operation period;
- (c) the implementation of the traffic mitigation measures, including ‘school bus only’ campus and ‘in-campus pick up/drop-off’, as proposed by the applicant, during the school operation period, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of parking facilities, loading/unloading spaces and carpark layout for the kindergarten to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures stated in conditions (b) and (c) above during the school operation period to the satisfaction of the Commissioner for Transport or of the TPB; and
- (f) if any of the above planning conditions (a), (b), (c) or (e) is not complied with during the school operation period, the approval hereby given shall cease to have effect and shall be revoked immediately without further

notice.”

67. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VII of the Paper with the following additional clause :

“the planning approval was renewed on a temporary basis for a period of three years so as to allow time to relocate the kindergarten to a more suitable location. No further renewal of the approval would be given unless with very strong justifications.”

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/331 Proposed Minor Relaxation of Building Height Restriction from 3 to 4 storeys to Allow for One Storey of Basement for Two Car Parking Spaces and Ancillary Plant Room for the Permitted House Development in “Residential (Group C) 1” Zone, 7 Lincoln Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/331)

68. The Secretary reported that the application site was located in Kowloon Tong. Kenneth To & Associates Ltd. (KTA) was one of the consultants of the applicant. The following Members had declared interests on the item:

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| Mr Daniel K.S. Lau | - | being an ex-Director (Development and Marketing) of Hong Kong Housing Society, which had current business dealings with KTA; |
| Dr Lawrence W.C. Poon | - | working in the City University of Hong Kong and living in its quarters in Kowloon Tong; and |
| Mr Stanley T.S. Choi | - | his spouse was a director of a company which owned properties in Kowloon Tong. |

69. The Committee noted that Dr Lawrence W.C. Poon and Mr Stanley T.S. Choi had tendered apologies for being unable to attend the meeting. As Mr Daniel K.S. Lau had no direct involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

70. With the aid of a PowerPoint presentation, Mr Mak Chung Hang, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction (BHR) from 3 to 4 storeys to allow for one storey of basement for two car parking spaces and ancillary plant room for the permitted house development;
- (c) departmental comments – departmental comments were set out in paragraph 8 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 on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed minor relaxation was in line with the criteria for minor relaxation of BHR as set out in the Explanatory Statement (ES) of the OZP. The proposal was considered to have design merits and would enhance the environment of the neighbourhood area. Landscape plantings would be provided near the entrance and site boundary to soften hard edges and maximise environmental benefits to the surroundings. Greenery would also be incorporated into the building such as curvilinear planter connecting different floors to soften the visual impact of the building mass. The

proposed car parking and plant room uses in the basement floor would have insignificant impacts on the environment, drainage, traffic, visual and the planned infrastructure on the surrounding areas. A total of 13 similar applications at 12 sites involving minor relaxation of BHR for additional basement floor in the past 13 years were approved by the Committee with similar circumstances as the subject application. Approval of the current application was not inconsistent with the previous decisions of the Committee on similar applications. Relevant government departments had no objection to or no adverse comments on the application.

[Mr Lincoln L.H. Huang (the Vice-charman) left the meeting at this point.]

71. Some Members raised the following questions:

Design and scale

- (a) whether the design and development parameters of the proposed house were comparable to approved similar applications;
- (b) the site coverage of different floors and the floor-to-floor height proposed for each storeys;
- (c) noting that the size of basement level for car parking spaces and plant rooms was large, whether the provision of such basement would restrict the provision of effective planting area at G/F;

Assessment criteria and planning intention

- (d) how the current application complied with the relevant assessment criteria for consideration of application for minor relaxation of BHR;
- (e) the planning intention of stipulating the BHR in the OZP;

Car parking spaces

- (f) the provision of car parking spaces under the application as compared with the standard in the Hong Kong Planning Standards and Guidelines (HKPSG); and
- (g) whether the applicant had provided alternative design for the provision of car parking spaces; and the reduction of greenery area if the car parking spaces were located at G/F.

72. Mr Mak Chung Hang, STP/K, made the following responses:

Design and scale

- (a) the proposed house had a total of 4 storeys, including a basement level. The scale of the basement level was one of the considerations in the approved similar applications. The percentage of area of basement level to site area of the current application was 36.6%, which was within the range of the similar applications with a ratio ranging from 15% to 71%;
- (b) no exact figure of site coverage had been provided by the applicant for the current application. There was no restriction of floor-to-floor height under the OZP, while the Building Authority would consider whether the proposed floor-to-floor height was excessive in building plans submission stage;
- (c) there was no information on whether the provision of car parking spaces and plant rooms at basement level had restricted planting area at ground level. However, without the basement, car parking facilities and plant rooms would have to be placed at ground level and/or other levels above ground, and possibly affecting the area available for planting;

Assessment criteria and planning intention

- (d) regarding the compliance with the criteria for consideration of minor relaxation of BHR as set out in the ES of the OZP, it was considered that (i) providing better streetscape/good quality street level public urban space (paragraph 7.3(c) of the ES) and (ii) other factors, such as the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality and would not cause adverse landscape and visual impacts (paragraph 7.3(f) of the ES), were applicable. In this regard, the proposal had no adverse impacts on existing trees as there was none within the application site, landscape plantings would be provided near site boundary and greening would be provided along the edges of the terraced levels to soften hard edges, an interesting building design with stepped building profile was proposed and better streetscape could be achieved with reduction of plant rooms above ground;
- (e) a BHR of 3 storeys had been imposed for the Kowloon Tong Garden Estate (KTGE) since the publication of the first Kowloon Tong OZP. The planning intention of stipulating the BHR was to maintain distinctiveness of the area as a garden estate;

Car parking spaces

- (f) the provision of two car parking spaces fulfilled the requirement under the HKPSG and the Transport Department (TD) had no adverse comment on the traffic arrangement. A loading and unloading bay and the necessary maneuvering spaces were included to address the comment from TD; and
- (g) no alternative design had been provided by the applicant for the provision of car parking spaces. It was estimated that two car parking spaces would roughly occupy an area of 20m².

Deliberation Session

73. Some Members were of the view that the scale of proposed basement was excessive and not proportional to the whole development, which was equivalent to about 60% of the gross floor area of the proposed house. The basement structure would limit the planting area for enhancing the amenity of the local neighbourhood. There were insufficient planning and design merits to justify the proposed relaxation of BHR. A Member was of the view that the floor-to-floor height of the 2/F was excessive. Another Member considered that no alternative scheme had been provided to justify the necessity of the proposed basement.

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

- “(a) there are insufficient planning and design merits to justify the proposed relaxation of building height restriction; and
- (b) the size of the proposed basement is excessive and there is insufficient information in the submission to demonstrate that the basement would not limit the area for at-grade planting.”

[The Chairman thanked Mr Mak Chung Hang, STP/K, for his attendance to answer Members' enquiries. He 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.]

Agenda Items 13 and 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/766 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, 41 King Yip Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/766)

A/K14/771 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/K14/771)

75. 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 BH restriction of 100mPD. The Committee agreed that they could be considered together.

76. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (ARUP) and Lu Tang Lai Architects Ltd. (LTL) were the consultants of the applicant for application No. A/K14/766, while ARUP and WSP Hong Kong Ltd. (WSP) were the consultants of the applicant for application No. A/K14/771. The following Members had declared interests on the items:

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|-------------------|---|
| Mr Alex T.H. Lai | - his firm having current business dealings with ARUP, LTL and WSP; |
| Mr Thomas O.S. Ho | - having current business dealings with ARUP; and |
| Mr Franklin Yu | - having past business dealings with ARUP and WSP. |

77. The Committee noted that Mr Alex T.H. Lai had tendered an apology for being unable to attend the meeting and Mr Thomas O.S. Ho had already left the meeting. As Mr Franklin Yu had no direct involvement in the applications, the Committee agreed that he could stay in the meeting.

[Mr Stephen H.B. Yau left the meeting at this point.]

Presentation and Question Sessions

78. 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 Papers :

- (a) background to the applications;
- (b) the proposed minor relaxation of PR and BH restrictions for permitted office, shop and services & eating place uses at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. The Development Bureau (DEVB) had given policy support to the two applications for relaxation of PR restriction. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, there were 14 and three public comments for applications No. A/K14/766 and A/K14/771 respectively. A total of 10 comments received were objecting to application No. A/K14/766 while four were supportive. All three comments received were objecting to application No. A/K14/771. The major views were set out in paragraph 10 of the Papers; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the 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 (KTBA) from industrial to business/commercial uses. Both applications had incorporated full-height setbacks to facilitate widening of road-side pavements and back alleys, which in general would enhance the pedestrian environment. DEVB 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. The proposed minor relaxation of BH restriction for both applications might be considered generally proportionate to the 20% increase in PR and for accommodating the refuge floor cum communal sky garden (communal sky garden). As the application sites were at the edge of the “OU(B)” cluster subject to BH restriction of 100mPD and that for the sites across Hung To Road were 130mPD and 160mPD for applications No. A/K14/766 and A/K14/771 respectively, the proposed BH of 126mPD (No. A/K14/766) and 119.7mPD (No. A/K14/771) would still allow a stepped BH profile and were considered not unacceptable. Regarding public comments received, the comments from concerned government departments and the planning assessments above were relevant. For the comment that the approval of the application (No. A/K14/771) might affect the judicial proceedings over the Site, it was a legal dispute between the occupiers and the owner which was not a valid consideration of the planning application.

[Mr Wilson Y.W. Fung and Ms Sandy H.Y. Wong left the meeting at this point.]

79. Some Members raised the following questions:

- (a) whether the demolished industrial building (IB) under application No. A/K14/766 was considered as IB which was wholly or partly constructed on or before 1.3.1987 eligible for the DEVB initiative to incentivise redevelopment of IBs (pre-1987 IBs);

- (b) how the design merits of the applications could improve the quality of streetscape;
- (c) whether the proposed 1.5m non-building area (NBA) under application No. A/K14/766 would be opened for public use;
- (d) any reason for the applicant of application No. A/K14/771 not intending to apply for bonus PR under the Building (Planning) Regulations (B(P)R);
- (e) whether provision of greenery fulfilling the requirement of minimum 20% site coverage of greenery was a pre-requisite for minor relaxation of PR restriction;
- (f) the floor-to-floor height for typical floors and sky garden of similar applications; and
- (g) the details of proposed stepped setback to fulfil the prescribed windows requirement for application No. A/K14/771 and whether the Members' concerns of its previous rejected application had been properly addressed.

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

- (a) the application site (No. A/K14/766) had been occupied by a pre-1987 IB immediately before it was left vacant, DEVB advised that the applicant should be eligible for applying for the proposed relaxation of PR to pursue redevelopment under the Government's initiative for IB revitalisation. Advice was sought from DEVB on whether the policy support would be given for individual cases;
- (b) setback requirements had been stipulated on the adopted Kwun Tong (Western Part) Outline Development Plan (ODP). The proposed setback of buildings under both applications met the ODP requirements and would allow widening of the existing narrow and congested pavements, which

could improve the walking environment. Provision of setbacks and non-building areas (NBA) under application No. A/K14/766 would further allow provision of landscaping to echo the revitalisation of the Tsui Ping River, which was on the opposite side of King Yip Street, and improvements to the loading/unloading (L/UL) condition at the existing back alley to the northeast of the site. It was envisaged that the back alley could have a total width of 9 metres upon redevelopment of the application site and adjacent IBs;

- (c) although no detailed management arrangement had been submitted by the applicant for application No. A/K14/766, the Transport Department (TD) raised no objection to the application and suggested that approval conditions should be imposed for submission of a revised traffic impact assessment (TIA) and implementation of the management proposal and mitigation measures identified in the revised TIA to ensure the provision and proper implementation of the traffic management plan, including the management of the proposed setback and NBA;
- (d) no reason had been provided by the applicant (No. A/K14/771) for not intending to apply for bonus PR under the B(P)R. The applicant of a previously approved similar application also indicated that he had no intention to apply for bonus PR, without any reason provided. It was considered that whether to claim the bonus PR under the B(P)R was not a planning consideration of the applications;
- (e) the requirement of a minimum 20% site coverage of greenery was a requirement under the Sustainable Building Design Guidelines for the claim of GFA concessions but not a pre-requisite for minor relaxation of PR restriction. Provision of greenery was subject to various site constraints and considerations of different sites. It was noted that the overall greenery area for application No. A/K14/771 was less than 20%;
- (f) typical floor-to-floor height of commercial developments in KTBA completed in the past five years or under construction ranging from 3.9m to

4.55m. The typical floor-to-floor height of the building under similar approved application (No. A/K14/763) was 4m. The refuge floor cum communal sky garden should have a clear height of not less than 4.5m to fulfill the requirement under Joint Practice Notes and an additional of 1.4m to 1.45m for building services were proposed for the current applications. The proposed headroom of 5.9m to 5.95m for the communal sky garden was considered comparable to similar approved cases in the area; and

- (g) similar to the previous application, proposed stepped setback for application No. A/K14/771 facing the adjacent building to the south was designed to fulfil the prescribed windows requirement. To address Members' concerns on the excessive BH under the previous application (No. A/K14/764), the applicant had reduced the BH of the proposed development by increasing the site coverage of most of the typical floors.

Deliberation Session

81. While Members were in support of the policy to incentivise the redevelopment of IBs in the KTBA, they considered that there was inadequate information to demonstrate strong justification and planning merits for the proposed minor relaxation of BH restriction of the two applications. Approving such applications without strong justification and planning merits would set an undesirable precedent.

82. Members noted that upon redevelopment of the existing buildings in KTBA and implementation of the setback and NBA requirements under the ODP, condition of the back alleys and their capacity could be improved. Members also noted that two similar applications in KTBA were previously considered by the Committee on 22.3.2019 under the same policy for redevelopment of IBs. The application No. A/K14/763 was approved by the Committee as it was technically feasible and the applicant had provided adequate justifications for the minor relaxation of BH restriction. Another application No. A/K14/764 was rejected as there was no strong justification or planning merit for the proposed minor relaxation of BH restriction from 100mPD to 130.2mPD.

83. Upon further discussion, Members agreed that more information would be

required from the applicants for the Committee to further consider the planning and design merits of each of the applications. The required additional information included:

- (a) the planning and design merits of the proposed scheme, taking into account the site specific characteristics and local context;
- (b) design of street level on pedestrian accessibility, connectivity and comfort;
- (c) compliance with relevant provisions of Sustainable Building Design Guidelines; and
- (d) consideration of green building design.

84. Members also agreed that an analysis of similar approved and rejected applications should be provided to facilitate the Committee's assessment of the subject applications.

85. After deliberation, the Committee decided to defer a decision on the applications, pending submission of the above information.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/772 Shop and Services in "Other Specified Uses" annotated "Business" Zone,
Watchman Room, G/F, Liven House, 61-63 King Yip Street, Kwun
Tong, Kowloon
(MPC Paper No. A/K14/772)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the 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 on the application; 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 applied use was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and was compatible with the changing land use character of the Kwun Tong Business Area. The application complied with the Town Planning Board Guidelines No.22D in that it would not induce adverse fire safety and environmental impacts on the developments within the subject building and the adjacent areas. Concerned departments had no objection to or no adverse comment on the application. Should the application be approved, the aggregate commercial floor areas on the G/F of the subject building would be within the maximum permissible limit of 460m². The Director of Fire Services had no objection to the application subject to imposition of an approval condition requiring the submission and implementation of the proposal for fire safety measures.

87. Members had no question on the application.

Deliberation Session

88. 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 31.5.2021, 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 proposal for fire safety measures, including the provision of fire services installations and equipment at the application premises and means of escape separated from the industrial portion of the subject industrial building before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition (a) is not complied with before operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

Agenda Item 16

Any Other Business

90. There being no other business, the meeting closed at 1:24 p.m..