

## **TOWN PLANNING BOARD**

### **Minutes of 632<sup>nd</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 2.8.2019**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Mr Stephen H.B. Yau

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

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

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

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

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

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

Secretary

**Absent with Apologies**

Mr Sunny L.K. Ho

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Ms Sandy H.Y. Wong

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. Kevin C.P. Ng

Town Planner/Town Planning Board  
Ms Charlotte P.S. Ng

**Agenda Item 1**

Confirmation of the Draft Minutes of the 631<sup>st</sup> MPC Meeting held on 19.7.2019

[Open Meeting]

1. The draft minutes of the 631<sup>st</sup> MPC meeting held on 19.7.2019 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/KC/457                      Proposed Offensive Trades (Lard Boiling Factory) in “Industrial” Zone,  
Kwai Chung Town Lot 145, 7-11 Wing Kin Road (odd numbers), Kwai  
Chung, New Territories  
(MPC Paper No. A/KC/457B)

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3.                      The Secretary reported that Lu Tang Lai Architects Limited (LTL) was one of the consultants of the applicants and Mr Alex T.H. Lai had declared an interest on the item as his firm was having current business dealings with LTL. The Committee noted that Mr Alex T.H. Lai had tendered an apology for being unable to join the meeting.

4.                      The Committee noted that the applicants’ agent requested on 18.7.2019 for 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 the Environmental Protection Department. It was the third time that the applicants requested deferment of the application. Since the last deferment, the applicants had submitted further information, including response to departmental comments, revised Environmental Assessments and a swept path analysis.

5.                      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. If the further information submitted by the applicants 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 applicants that one month was allowed for preparation of the submission of the further information. Since it was the third deferment and a total of three months had been allowed for the preparation of further information, no further deferment would be granted unless under very special circumstances.

**Agenda Item 4**

**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/1B)

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6. The Secretary reported that Kenneth To & Associates Limited (KTA) was one of the consultants of the applicants and Mr Daniel K.S. Lau was an ex-Director (Development and Marketing) of the Hong Kong Housing Society, which had current business dealings with KTA.

7. The Committee noted that the applicants 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.

8. The Committee noted that the applicants’ agent requested on 17.7.2019 for deferment of the consideration of the application for two months in order to allow time for preparing necessary responses to departmental comments. It was the third time that the applicants requested deferment of the application. Since the last deferment, the applicants had submitted further information, including response-to-comments tables, a consolidated supporting planning statement, revised Master Layout Plan, Tree Preservation and Landscape Proposal, Ecological Impact Assessment, Environmental Assessment, Water Supply Impact Assessment, Sewerage Impact Assessment and revised page of Traffic Impact Assessment.

9. 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. If the further information submitted by the applicants 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

applicants that two months were allowed for preparation of the submission of the further information. Since it was the third deferment and a total of four months had been allowed for the preparation 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 Items 5 and 6**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/135                Temporary Asphalt 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/135D)

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A/TY/136                Temporary Concrete Batching Plant for a Period of 5 Years in “Industrial” Zone, Tsing Yi Town Lot 108 RP (Part), Tsing Yi, New Territories  
(MPC Paper No. A/TY/136C)

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10.            The Committee agreed that the two applications were similar in nature (temporary asphalt and concrete batching plants), the application sites were located close to each other within the same “Industrial” zone and were submitted by the same applicant, the two applications would be considered together.

11.            The Secretary reported that the applications were submitted by Hong Kong United Dockyards Limited (HKUD), which was a joint-venture of CK Hutchison Holding Limited (CKHH) and Swire Properties Limited (Swire). AECOM Asia Company Limited (AECOM) was one of the consultants of the applicant under application No. A/TY/136. The following Members had declared interests on the item :

- Mr Thomas O.S. Ho - having current business dealings with Swire and past business dealings with AECOM; and
- Mr Alex T.H. Lai - his firm having current business dealings with HKUD, CKHH, Swire and AECOM.

12. The Committee noted that Messrs Thomas O.S. Ho and Alex T.H. Lai had tendered apologies for being unable to attend the meeting.

### Presentation and Question Sessions

13. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/TWK, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the temporary asphalt plant and temporary concrete batching plant for a period of five years at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Papers. Concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the statutory publication periods, 62 public comments were received for application No. A/TY/135, including 30 objecting comments from the Incorporated Owners of Tsing Yi Greenfield Garden, two Kwai Tsing District Council (K&TDC) members and individuals, 30 providing views from two K&TDC members and individuals and two indicating no comment from a K&TDC member. As for application No. A/TY/136, 26 public comments were received, including 24 objecting comments from individuals, one providing view from an individual and one indicating no comment from a K&TDC member. Major views and objection grounds were set out in paragraph 9 of the Papers; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications on a temporary basis for a period of five years based on the assessments set out in paragraph 10 of the Papers. The proposed asphalt plant and concrete batching plant for five years were considered not incompatible with various industrial-related operations in the surroundings. Previous application for similar uses at the sites and some similar applications for the applied uses within the same “Industrial” zone had been approved by the Committee. Approvals of the applications were consistent with the previous decisions of the Committee on similar applications. The proposed mitigation measures in traffic, environmental, marine safety and fire safety aspects were acceptable to relevant government departments. Concerned departments had no adverse comment on the applications and relevant approval conditions were recommended to address their technical concerns. Regarding the public comments, comments of concerned departments and the planning assessments above were relevant.

[Messrs Wilson Y.W. Fung and Franklin Yu arrived to join the meeting at this point]

14. Some Members raised the following questions:

- (a) in light of the concerns raised during the statutory publication periods, whether the operation of the proposed temporary asphalt and concrete batching plants would induce environmental pollution and traffic impacts on the nearby residential developments;
- (b) whether the applied uses would have adverse environment impacts on Ma Wan;
- (c) with reference to paragraph 2(d) of MPC Paper No. A/TY/135D (the Paper), to clarify whether applicant's justification in meeting the growing demand for asphalt production to support construction work of infrastructure projects was still valid noting that the Hong Kong-Zhuhai-Macao Bridge (HZMB) had already been completed;



- (d) whether there were any environmental complaints against the four existing asphalt and concrete batching plants in the area;
- (e) whether the cumulative impacts of the existing asphalt and concrete batching plants had been taken into account in the technical assessments submitted by the applicant;
- (f) noting that the sites were subject of a previously approved application for a temporary concrete batching plant, why the approved scheme had not been implemented; and
- (g) any enforcement action to be taken should the applicant fail to comply with the approval conditions and whether they were subject to the statutory control of other ordinances.

15. Mr Stephen C.Y. Chan, STP/TWK, made the following responses:

- (a) the sites were located at Tsing Yi West industrial area which was suitable for specialized industries due to its accessibility by both sea and road networks. Many dockyards had been converted to asphalt and concrete batching plants due to economic restructuring over the past decades. The hill in central Tsing Yi between the residential areas and the application sites could serve as a screen to block off potential environmental impacts on the residential developments in the north-eastern parts of Tsing Yi. Environmental impacts from the proposed uses on the application sites, even to the nearest residential development, i.e. Mount Haven, were not anticipated. With reference to Plan A-2, Drawings A-10 and A-11 of the Paper, the application sites were accessible by a private road to their east which extended from the end of Sai Tso Wan Road. In order to mitigate the potential traffic impacts, the revised Traffic Impact Assessment (TIA) (Appendix Iv of the Paper) proposed improvement works to be carried out at two junctions, including converting one of the existing “left-turn” lanes to “right-turn” lane at the junction of Cheung Tsing Highway/Tsing Yi Road West (Junction J1 in the TIA) and modifying the crossing from the existing straight-crossing to staggered-crossing and converting an

“ahead/left-turn” lane to “left-turn” lane at the junction of Sai Tso Wan Road/Tsing Yi Road/Tsing Yi Road West (Junction J4 in the TIA). The applicant had also undertaken that no asphalt and concrete truck would pass through some of the critical junctions in Tsing Yi during the peak hour periods except under emergency and exceptional cases. Given the above, the Transport Department had no adverse comment on the proposed traffic mitigation measures. No major environmental complaint from the local residents on the existing asphalt and concrete batching plants had been recently received;

- (b) residential developments in Ma Wan had not been identified as sensitive receivers in the Environmental Assessments (EA) of the subject applications as they were located on the opposite side of the shore at a distance and fell outside the assessment area;
- (c) the applications were submitted in 2017 when the HZMB was still under construction. Regarding the demand for asphalt and concrete products, according to the Civil Engineering and Development Department’s (CEDD) “Study on Land Requirements for Construction Industry”, the demand for concrete would increase 20% by 2030. While CEDD was currently undertaking a follow-up review on supply chain of concrete, the preliminary findings had substantiated that there was an acute demand for concrete in the short, medium and long-terms. As concrete batching plants had been closed down in other districts, suitable locations in the metro area for the applied uses had to be identified. Tsing Yi was an ideal location in terms of operation and logistics considerations for the operators. In short, although the HZMB had completed, the demand for asphalt and concrete products for other infrastructure works was still acute;
- (d) for the existing asphalt and concrete batching plants, in order to address the traffic and environmental concerns, approval conditions and mitigation measures had been imposed in approving the relevant planning applications (applications No. A/TY/129 for asphalt plant and No. A/TY/126, 128 and 132 for concrete batching plant). These asphalt and concrete batching plants had been in operation for a long time and no major complaint had

been received recently. Nevertheless, more stringent mitigation measures in traffic, environmental, health, marine safety and fire safety aspects had been proposed and relevant approval conditions were recommended for the current applications to minimize the adverse impacts on sensitive receivers during construction and operation periods;

- (e) the cumulative impacts of the existing and planned developments, including the existing asphalt plant, concrete batching plants and vehicle examination centre, had been taken into account as the baseline condition in the TIA. As for the EA, no sensitive user was found within the study area of the subject applications;
- (f) the application sites were the subject of a previous application No. A/TY/112 approved by the Metro Planning Committee on 24.9.2010. The approval was revoked on 24.6.2012 due to non-compliance of approval conditions on the implementation of the landscape proposal, the provision of emergency vehicular access, water supplies for firefighting and fire services installation proposals. According to the agent of the applicant, the approval conditions were not implemented because the applicant had decided not to pursue the proposed developments under the previous application due to business consideration; and
- (g) should the approval conditions of the current applications not be complied with, the planning permissions would be revoked without further notice. Moreover, the asphalt and the concrete batching plants would be subject to all the technical requirements stipulated under the Air Pollution Control Ordinance and also be monitored under the Specified Process Licences to be issued by the Environmental Protection Department.

#### Deliberation Session

16. Mr Eddie S.K. Leung, Assistant Commissioner for Transport (Urban) of Transport Department (TD) confirmed that the TIA submitted by the applicant was acceptable while relevant approval conditions, i.e. submission and implementation of transportation mitigation measures, were recommended to address the technical concerns of

TD before commencement and during operation of the applied uses.

17. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of five years until 2.8.2024, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of a traffic management plan including details on the fleet management and monitoring / auditing mechanism, restrictions of vehicles at critical junctions and a transportation plan before commencement of the operation of the proposed development to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;
- (b) in relation to (a) above, the implementation of the approved traffic management / transportation plans during the operation period of the proposed development to the satisfaction of the C for T or of the TPB;
- (c) no queuing on public roads in the vicinity of the application site resulting from the operation of the proposed development shall be allowed at any time during the planning approval period of the proposed development;
- (d) the design and implementation of the road junction improvement works, as proposed by the applicant, before commencement of the operation of the proposed development to the satisfaction of the C for T or of the TPB;
- (e) the design of the proposed vehicle marshalling area, as proposed by the applicant, before commencement of the operation of the proposed development to the satisfaction of the C for T or of the TPB;
- (f) in relation to (e) above, the provision of the proposed vehicle marshalling area, as proposed by the applicant, during the operation period of the proposed development to the satisfaction of the C for T or of the TPB;
- (g) the submission and implementation of water supplies for fire fighting and fire service installations proposals before commencement of the operation

of the proposed development to the satisfaction of the Director of Fire Services or of the TPB;

- (h) the submission of a barging operation plan setting out details of the type and size of the vessel / barge involved, relevant operation, mooring arrangement, etc. before commencement of the operation of the proposed development to the satisfaction of the Director of Marine or of the TPB;
- (i) in relation to (h) above, the implementation of the approved barging operation plan and the maintenance of the proposed measures at all times during the operation period of the proposed development to the satisfaction of the Director of Marine or of the TPB;
- (j) the completion of a full Site Inspection conducted in accordance with requirements in the 'Practice Guide for Investigation and Remediation of Contamination Land', including the submission of Contamination Assessment Plan, Contamination Assessment Report and, if deemed necessary, Remediation Action Plan and Remediation Report before commencement of the construction of the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) if any of the above planning conditions (a), (d), (e), (g) or (h) is not complied with before commencement of the operation of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
- (l) if any of the above planning conditions (b), (c), (f) or (i) is not complied with during the planning approval / operation period of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) if the above planning condition (j) is not complied with before commencement of the construction of the proposed development, the approval hereby given shall cease to have effect and shall on the same date

be revoked without further notice.”

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

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

### **Hong Kong District**

#### **Agenda Item 7**

##### **Section 16 Application**

[Open Meeting]

A/H1/102 Proposed Minor Relaxation of Gross Floor Area Restriction for Proposed Hotel, Office, Shop and Services, Eating Place and Place of Entertainment Uses in “Other Specified Uses” annotated “Commercial, Leisure and Tourism Related Uses” Zone, 18 Sai Ning Street, Kennedy Town, Hong Kong  
(MPC Paper No. A/H1/102)

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19. The Secretary reported that Llewelyn-Davies Hong Kong Limited (LD), Mott MacDonald Hong Kong Limited (MMHK) and MVA Hong Kong Limited (MVA) were three of the consultants of the applicant. The following Members had declared interests on the item :

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|-------------------|--|
| Mr Thomas O.S. Ho | - his company having current business dealings with MMHK and MVA and past business dealings with LD; and |
| Mr Alex T.H. Lai  | - his firm having current business dealings with MMHK and MVA.   |

20. The Committee noted that Messrs Thomas O.S. Ho and Alex T.H. Lai had tendered apologies for being unable to attend the meeting.

21. The Committee noted that the applicant's representative requested on 19.7.2019 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.

22. The Secretary supplemented that the application site was the subject of adverse representations in respect of the Draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/20. Submission of the OZP to the Chief Executive in Council (CE in C) for approval was subject to the Court's order of stay in relation to judicial review (JR). The relevant JR cases were heard by the Court of First Instance in May 2018 and judgment was awaited. 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 planning application on a site subject to outstanding adverse representation should be deferred until the CE in C had made a decision on the draft OZP.

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

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

**Kowloon District**

**Agenda Item 8**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/115                      Proposed Minor Relaxation of the existing Building Height ('11 Storeys over 1 Storey of Car Park') to '11 Storeys over 2 Storeys of Car Park' for a Permitted Residential Development in "Residential (Group B) 1" Zone, 5-7 Ho Man Tin Street, Kowloon  
  
(MPC Paper No. A/K7/115B)

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24.                      The Secretary reported that the application site was located in Ho Man Tin. Over Arup and Partner Hong Kong Limited (Arup) was the consultant of the applicant. The following Members had declared interests on this item:

- Mr Thomas O.S. Ho                      -    having current business dealings with Arup;
  
- Mr Alex T.H. Lai                              -    his firm having current business dealings with Arup;
  
- Mr Franklin Yu                                -    having past business dealings with Arup; and
  
- Mr Stanley T.S. Choi                        -    co-owning with his spouse a flat, and his spouse was a director of a company which owned a property in Ho Man Tin.

25.                      The Committee noted that Messrs Thomas O.S. Ho, Alex T.H. Lai and Stanley T.S. Choi had tendered apologies for being unable to attend the meeting and agreed that Mr Franklin Yu could stay in the meeting as his interest was indirect.



## Presentation and Question Sessions

26. 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 the existing building height (BH) (“11 storeys over 1 storey of car park”) to “11 storeys over 2 storeys of car park” for a permitted residential development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) noted that the 24 residential car parking spaces and 11 visitor car parking spaces being proposed were above the high-end provision of parking spaces as required in the Hong Kong Planning Standing and Guidelines (HKPSG). The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered the planning and design merits put forth by the applicant concerning streetscape enhancement could still be achieved without the minor relaxation of BH. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory publication periods, a total of 18 public comments were received, including 11 objecting comments from the Owners’ Committee of Gay Mansion and individuals and 7 comments from the MTR Corporation Limited and individuals providing views on the application. Major views were set out in paragraph 9 of the Paper; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. While the proposed redevelopment with an additional car parking storey was considered not incompatible with the surrounding developments, the plot ratio (PR) of the existing building (i.e. 6.58) was 99% higher than the stated PR restriction

of 3.3 on the Outline Zoning Plan (OZP). In terms of massing, the existing building was more bulky comparing to a development conforming to the stated PR restrictions on the OZP. Although concerned departments, including C for T and CTP/UD&L, PlanD, had no adverse comments on the application, there were no apparent planning and design merits to support the proposed minor relaxation of the BH. Approval of the subject application without strong planning and design merits would create undesirable precedence effect. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

27. With reference to Drawing A-1, a Member enquired what the average floor-to-floor height of residential developments in the area was. Mr Mak Chung Hang, STP/K, responded that while he had no information in hand about the average floor-to-floor height for residential developments within the vicinity of the proposed development, the 3.5m floor-to-floor height as submitted by the applicant was in general on par with that of the other residential developments in the area.

28. Upon a Member's request, Mr Mak Chung Hang referred to the table at paragraph 1.4 of the Paper and highlighted the major parameters of the existing development, the development schemes as well as the development restrictions on the OZP. He explained that the existing building provided 44 housing units and 22 car parking spaces while a set of general building plans (GBP) for the proposed residential redevelopment with 72 units and 22 car parking spaces in a building with 11 storeys over 1 storey of car park had been approved by the Building Authority in 2018. In the current application, the applicant was seeking planning permission for minor relaxation of the BH restriction based on the existing BH of "11 storeys over 1 storey of car park" to "11 storeys over 2 storeys of car park" to provide 74 units and 35 car parking spaces. The additional car park floor proposed under the current application was mainly to accommodate 15 car parking spaces.

29. Another Member pointed out that the current application for minor relaxation of BH was to accommodate additional car parking spaces, and enquired the utilization rate of on-street parking spaces and the situation of illegal parking along Ho Man Tin Street. Mr Mak Chung Hang answered that there were 20 on-street parking spaces along Ho Man Tin

Street and according to the parking survey submitted by the applicant, about 90% were utilized on weekends. Meanwhile, the Hong Kong Police Force had recorded 55 parking contraventions and complaints in the first 6 months this year. Since Ho Man Tin Street was a two-way road with one lane in each direction, illegal on-street parking had created significant disturbance.

30. In response to a Member's enquiry, Mr Mak Chung Hang said that the planning and design merits claimed by the applicant included:

- (a) traffic problem associated with illegal on-street parking spaces could be alleviated by introducing additional car parking spaces for visitors within the proposed residential development; and
- (b) a 4.9m full-height building setback from the lot boundary was proposed in compliance with the requirement stipulated under the draft Ho Man Tin Outline Development Plan (ODP) No. D/K7/2. With the proposed setback, the applicant would provide vertical greening at the front façade and planting of taller trees at the setback area to improve pedestrian walking environment and streetscape.

31. The Chairman pointed out that the provision of 22 car parking spaces in both the existing building and the GBP approved in 2018 complied with the lease condition which required provision of not less than two car parking spaces per floor. However, the proposed number of parking spaces in the development scheme under the subject application was 35. He enquired about the required parking provision under the HKPSG for a building with 74 units. Mr Mak Chung Hang explained that according to the HKPSG, the provision of 5 to 8 residential parking spaces would be required for the proposed development of the subject application. The HKPSG also stipulated that visitor car parking for private residential developments with more than 75 units per block should include 1 to 5 visitor parking spaces. The proposed development with only 74 units would not require provision of visitor car park. In short, Mr Mak confirmed that 24 residential car parking spaces and 11 visitor car parking spaces under the proposed development were above the high-end provision of parking spaces as required in the HKPSG.

32. Regarding a Member's enquiry on the BH and PR restrictions stipulated in the Notes of the OZP, Mr Mak explained that no new development or redevelopment in "Residential (Group B)1" ("R(B)1") zone should exceed a maximum PR of 3.3 and a maximum BH of 12 storeys over car parks, or the PR and BH of the existing building, whichever was the greater. He further explained that since the PR and BH of the existing building were 6.58 and 11 storeys over 1 storey of car park respectively, the proposed development with PR of 6.58 and BH of 11 storeys over 2 storeys car park would require planning application for minor relaxation of the height of existing building. Mr. Mak also clarified that the BH restriction for the "R(B)1" was expressed in terms of number of storeys instead of metres above Principal Datum.

33. The Chairman raised the following questions:

- (a) the development intensity of Celebrity Garden which was a residential development located next to the site; and
- (b) if there were other buildings in the area exceeding the stated PR of 3.3 as stipulated on the OZP.

34. Mr Mak Chung Hang made the following responses:

- (a) Celebrity Garden on Ho Man Tin Street was an existing residential development located to the north of the site accommodating 24 housing units and 24 residential parking spaces. It was the subject of a section 16 application (No. A/K7/19) for minor relaxation of the stated BH restriction to allow an additional podium level for recreational facilities. The application was approved with conditions by the Committee on 5.11.1993 for the reasons that the proposed PR (i.e. 3.3) and site coverage were in compliance with the HKPSG requirements for a 12-storeyed domestic building within a zone 2 Class A site, the provision of recreational and amenity facilities for the enjoyment of residents was encouraged, and no adverse traffic and visual impacts were anticipated; and

- (b) with reference to Plan A-3 of the Paper, there were some older buildings in the area with PR exceeding 3.3. Should any of these buildings be redeveloped, it could be develop to the PR and BH of the existing building. If the PR and BH of the existing building were to be exceeded, planning permission for minor relaxation from the Town Planning Board under section 16 of the Town Planning Ordinance would be required.

[Dr Frankie W.C. Yeung arrived to join the meeting at this point]

### Deliberation Session

35. Members generally agreed that the planning and design merits put forth by the applicants could not justify approval on minor relaxation of BH. In particular, the merit of streetscape enhancement owing to the proposed building setback and vertical greening could still be achieved without relaxation on BH. The applicant's claim that the traffic problem associated with illegal parking along Ho Man Tin Street could be alleviated by providing additional parking spaces at the proposed development was also unfounded.

36. Two Members expressed some sympathy to the application and one of them stated that the parking standard under the HKPSG might be too low for this type of residential development. Mr Eddie S.K. Leung, Assistant Commissioner for Transport (Urban) of Transport Department said that besides the factors of flat number, flat size and plot ratio stipulated in the HKPSG, in considering the parking requirements, the location factors in terms of availability of public parking spaces and accessibility to public transportation in the area would also be taken into account. Some Members shared views that a more sustainable urban environment could be achieved by enhancing walkability and use of public transportation, the use of private vehicles should not be encouraged. For the subject case, minor relaxation of BH for increasing provision of parking spaces was not well justified.

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

- “(a) the applicant fails to demonstrate that there are planning and design merits

- for the proposed relaxation of the height of the existing building; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “Residential (Group B)1” zone. The cumulative effect of approving such applications with excessive building bulk would change the existing character of the residential neighbourhood in the area.”

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/119                      Proposed School (Tutorial School) in “Residential (Group B)” Zone, 128 Waterloo Road, Kowloon (G/F (Part) of the Proposed Residential Development)  
(MPC Paper No. A/K7/119)

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38.            The Secretary reported that the application site was located in Ho Man Tin and the application was submitted by the Great Prosper Development Limited (GPD). The following Members had declared interests on this item:

- Mr Alex T.H. Lai                      - his firm was having current business dealings with GPD; and
- Mr Stanley T.S. Choi                      - co-owning with his spouse a flat, and his spouse was a director of a company which owned a property in Ho Man Tin.

39.            The Committee noted that Messrs Alex T.H. Lai and Stanley T.S. Choi had tendered apologies for being unable to attend the meeting.

#### **Presentation and Question Sessions**

40.            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 school (tutorial school);
- (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, 137 public comments were received, including 132 supporting comments from individuals and five comments objecting to/raising concerns from residents in the area/adjacent building and individuals. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The applied use was not incompatible with the surrounding developments and it was in line with the Town Planning Board Guidelines No. 40 for ‘Application for Tutorial School under section 16 of the Town Planning Ordinance’ in that disturbance or nuisance to other users of the residential redevelopment was not anticipated. Relevant government departments had no objection to or no adverse comment on the application. Similar applications for the applied use had been approved by the Committee in the vicinity. Approval of the application was not inconsistent with the previous decisions of the Committee. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

41. A Member asked if any enforcement action would be taken should the proposed tutorial school took up more students than what it was claimed under the current application. Mr Mak Chung Hang, STP/K, responded that as advised by the Education Bureau (EDB), establishment providing educational courses for 20 or more persons during any one day or 8 or more persons at any one time would be considered as a “school” and would thus be

required to be registered with EDB under the Education Ordinance. According to the applicant, as the tutorial school under the current application would only accommodate not more than 7 students at one time with 1 teacher/staff, it did not fall under the definition of “school” and would not require a licence under the Education Ordinance. However, should there be any complaint about the proposed tutorial school taking up 8 students or more in future, it should be subject to scrutiny by EDB.

42. In answering a further enquiry by the Member and the Chairman, Mr Mak said that the site was previously occupied by the former CLP staff quarters with 55 units at a plot ratio of about 4.5 since 1968 and it was demolished in 2018. Site formation works were in progress on-site and the existing district electricity sub-station (ESS) remained intact. From land use planning perspective, the ESS was not incompatible with residential and tutorial school uses. No adverse impacts were anticipated and relevant departments had no objection to the application.

43. In response to the Chairman’s enquiries, Mr Mak pointed out that a set of general building plans (GBP) for the redevelopment scheme was approved by the Building Authority (BA) under the Buildings Ordinance (BO) in 2018. The new residential development would be a 19 storeys building providing 110 housing units, and 4 storeys of car parks at a plot ratio of less than 5. Regarding similar applications in the vicinity, Mr Mak explained that there were 30 approved applications that were still in operation. These approved cases were accommodated on the lower floors of existing residential developments whereas the subject application was proposed in a new residential development in the “Residential (Group B)” zone.

#### Deliberation Session

44. In response to the Chairman’s enquiry on whether the proposed tutorial school cum residential development under the current application and the residential development with GBP already approved by the BA under the BO in 2018 were acceptable under the lease respectively, Mr Simon S.W. Wang, Assistant Director (Regional 1) of Lands Department (LandsD) advised that the proposed tutorial school use at portion of G/F of the proposed residential development was considered acceptable under lease. Members noted that if the tutorial school would operate with more students than what had been proposed by the



applicant, it would be under EDB's jurisdiction to ensure compliance with registration requirement under the Education Ordinance. Similarly, the Chairman said and Members noted that LandsD would consider whether lease enforcement action would be required if the proposed tutorial school was not provided at portion of G/F of the proposed residential development. Members generally agreed that the proposed tutorial school was small in scale and inclusion of it in a new residential development was not incompatible with the surrounding environment.

45. 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 2.8.2023, 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 condition :

“ the submission and implementation of fire service installations and water supplies for firefighting prior to commencement of school operation to the satisfaction of the Director of Fire Services or of the TPB.”

46. 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 Mr Mak Chung Hang, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

### **Agenda Item 10**

#### **Any Other Business**

47. There being no other business, the meeting closed at 10:45 a.m..