

## **TOWN PLANNING BOARD**

### **Minutes of 638<sup>th</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 1.11.2019**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

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

Chief Engineer (Works), Home Affairs Department  
Mr Paul Y.K. Au

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

**In Attendance**

Assistant Director of Planning/Board  
Ms Lily Y.M. Yam

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

Town Planner/Town Planning Board  
Miss Carman C.Y. Cheung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 637<sup>th</sup> MPC Meeting held on 18.10.2019

[Open Meeting]

1. The draft minutes of the 637<sup>th</sup> MPC meeting held on 18.10.2019 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Hong Kong District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H24/9                      Application for Amendment to the Approved Central District  
(Extension) Outline Zoning Plan No. S/H24/9, To rezone a major  
portion of the application site from “Other Specified Uses” annotated  
“Military Use (1)” to “Open Space (1)” and to amend the Notes for  
“Other Specified Uses” annotated “Military Use (1)” Zone, Central  
Military Dock, Hong Kong  
(MPC Paper No. Y/H24/9)

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Presentation and Question Sessions

3. The following representatives from the Planning Department (PlanD) and the applicant were invited to the meeting at this point:

PlanD's Representatives

- Mr Louis K.H. Kau - District Planning Officer/Hong Kong (DPO/HK);
- Mr J.J. Austin - Senior Town Planner/Hong Kong (STP/HK);  
and

Applicant's Representatives

*Designing Hong Kong Limited (DHKL)*

- Mr Paul Zimmerman ] Applicant's representatives.  
Mr Samuel Wong ]

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

[Mr Alex Lai T.H. Lai arrived to join the meeting at this point.]

5. With the aid of a PowerPoint presentation, Mr J.J. Austin, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed amendments to the approved Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/9 were to rezone a major portion of the application site from "Other Specified Uses" annotated "Military Use (1)" ("OU(Military Use(1))") to "Open Space (1)" ("O(1)"), and to amend the Notes of the OZP for "OU(Military Use (1))" zone by deleting the minor relaxation of building height restriction (BHR) clause;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Secretary for Security (S for S) commented that according to the Exchange of Notes between the Government of the People's Republic of China (PRC) and the Government of the United Kingdom on the arrangements for the future use of military

sites in Hong Kong (the Exchange of Notes), the Central Military Dock (CMD) was a military site and military facility which should be re-provisioned for the Hong Kong Garrison by the Hong Kong Special Administrative Region (HKSAR) Government. The land area of the CMD had become a “protected place” under the Protected Places Order (Cap. 260A) since 29 June 2019 for defence use of the Hong Kong Garrison. The planning intention of the “OU(Military Use(1))” zone was primarily to reflect the final delineation and the land use of the CMD. The CMD was not suitable for re-zoning for other uses. The Secretary for Development (SDEV) also considered that the CMD was no ordinary harbourfront site. It was a military dock re-provisioned for the Central Barracks in accordance with the Exchange of Notes. The CMD was zoned “OU(Military Use(1))”, consistent with the zoning of the Central Barracks that the CMD was to serve. As the “OU(Military Use(1))” zoning rightly reflected the primary use and status of the CMD as a military facility and military site, SDEV concurred with S for S that it was inappropriate to revert the zoning to open space. The effect of the CMD on public enjoyment of the harbourfront should be seen in the proper perspective. There was ample open space in the vicinity, including the Central and Western District Promenade and the Tamar Park. At present, the public could already use the pedestrian walkway next to the CMD site for a continuous east-west connection along the waterfront, hence the connectivity of the harbourfront promenade was preserved. Construction of the CMD had been completed with its design fully integrated with the harbourfront setting. The minor relaxation clause for BHR was applicable not only to the CMD site but also to other harbourfront sites. SDEV saw no good reason why the CMD site should be subject to a different arrangement and hence did not agree deleting the minor relaxation clause. Other 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, 3,225 public comments were received with 3,222 supporting comments from individuals, a Central & Western District Council Member and a representative of Greeners Action, one opposing comment from an

individual and two comments not indicating their views. Their major views were set out in paragraph 11 of the Paper; and

- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The CMD was a military site and military facility re-provisioned for the Hong Kong Garrison by the HKSAR Government in accordance with the Exchange of Notes. The entire CMD including three landing steps, four single-storey buildings and the space in between, would be needed for the military dock to function. The current “OU(Military Use (1))” zone and its boundary on the OZP was considered appropriate to reflect the primary use of the application site. It was not suitable to rezone the application site for other uses. The “OU(Military Use (1))” zone of the application site had gone through a thorough and elaborated statutory planning process back in 2013. After considering all the representations and comments, which covered largely the same grounds and proposal made in the current application, the Town Planning Board (the Board) affirmed the current zoning of the application site. Since 2013, there had been no material change in planning circumstances. The Hong Kong Garrison would manage the CMD according to the Garrison Law and the laws of Hong Kong where applicable. There was no discrepancy or ambiguity in jurisdiction as claimed by the applicant. There was no ground for the HKSAR Government to allocate part of the CMD to the Leisure and Cultural Services Department (LCSD) for management purpose. The CMD was designed to integrate with the new waterfront promenade. Except for the side facing the Victoria Harbour, movable gates had been installed on the other three sides of the CMD to separate the military site from the surrounding park area and walkways, such that the gates could be opened for members of the public to walk through if needed. Under other circumstances, the public could still use the pedestrian walkway to the immediate south of the dock area as a continuous east-west connection along the waterfront. Despite the closure of the application site in the past years, the vibrancy of the harbourfront area in the vicinity had not been affected and different events such as the Hong Kong Dragon Boat Carnival

had continued to be staged. The entire CMD had an area of about 3,000m<sup>2</sup> which covered only 3% of the whole waterfront open space (about 10ha). For the Central and Western District, the total provision of existing and planned open space of about 64.41ha was adequate to meet the open space requirement (i.e. 52.3ha) according to the Hong Kong Planning Standards and Guidelines. The purpose of the minor relaxation clause for BHR was to allow flexibility in BH control to cater for specific site circumstances. Any minor relaxation of BH restriction required planning permission from the Board, and the Board would scrutinise each case based on individual merits. Regarding the public comments, comments of concerned departments and the planning assessments above were relevant.

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

6. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Paul Zimmerman, the applicant's representative, made the following main points:

Promise for Public Access

- (a) in 2002, the CMD was a committed berthing facility for the Hong Kong Garrison under the Central Reclamation project. Its planning intention was to make the military dock open for public access and as part of the future waterfront promenade when it was not in military use. The planning intention was explicitly discussed at the hearings of the Panel on Planning, Lands and Works of the Legislative Council (LegCo) on the financing and construction of the CMD within the reclamation. The Hong Kong Garrison had already agreed in principle to this planning intention;
- (b) in the Urban Design Study for the New Central Harbourfront (the UDS) commissioned by PlanD in coordination with the Harbourfront Commission, the conceptual design of the CMD and its integration with the harbourfront was made known to the public in 2010. Referring to the artist's impression drawing from the UDS, the CMD was designed to be opened up for public enjoyment but it had been closed from public access since it was

built. The Final Report of the UDS in March 2011 indicated that the CMD would be contained within an “Open Space” and would not be used for such purpose only when the Hong Kong Garrison needed it. There was never any mention of a ‘Military Use’ zoning for the site and that the site would be closed;

#### History of the CMD

- (c) as indicated in a timeline of the CMD from 2005 to 2019, there were in chronological sequence, three previous rezoning applications, the UDS, the draft Central District (Extension) OZP No. S/H24/8 incorporating the new zone of “OU(Military Use (1))”, judicial review (JR) lodged by DHKL, the approved Central District (Extension) OZP No. S/H24/9 and ‘protected place’ declaration;
- (d) up to 2013, the Government had continued to state that the CMD would be opened to the public when it was not in military use. As written on the Development Bureau’s website dated 21.2.2013, it was stated that “our planning intention...to open the area of the military dock to the public when it is not in military use”;
- (e) the Explanatory Statement (ES) of the OZP (paragraph 8.5) had clearly stated that the Hong Kong Garrison, on the request of the HKSAR Government, agreed to open the area of the military dock site to the public as a part of the promenade when it was not in military use, having regard to its operation and need for protecting the military dock. However, in the current MPC Paper, the Hong Kong Garrison had not confirmed such an agreement;

#### Management Issues

- (f) under the current proposal, the four existing structures and three landing steps within the CMD would be retained as “OU(Military Use(1))” zone, which would not be managed by the Government. There were two



examples of structures/facilities in the waterfront area and within the public promenade which were under different management agents and not managed by LCSD, including the electricity and pumping facilities in the Central waterfront and the MTR's ventilation shaft at the Tsim Sha Tsui waterfront;

#### Public Enjoyment

- (g) besides the land area of the CMD, the water area was also closed which limited public enjoyment for water sport events (e.g. 6<sup>th</sup> Hong Kong Rowing Coastal Championships and Ranking Race for the 2019 World Rowing Coastal Championships and Hong Kong International Dragon Boat Races 2019); and
- (h) the Central Waterfront should be opened to the public except when a military vessel was in town and berth at CMD. The maintenance responsibility would be simplified with management under LCSD while the risk of conflicts resulting from discrepancies in jurisdiction would be reduced. The Central Waterfront could be enhanced as a quality experience attracting the locals and tourists. Visual access would be improved for water sports events such as dragon boat races.

7. As the presentations of the representatives from PlanD and the applicant were completed, the Chairman invited questions from Members. The Vice-chairman and some Members raised the following questions:

#### CMD and Military Use

- (a) details on the specific requirements of the CMD in the Exchange of Notes;
- (b) the design of the CMD including the requirement for its potential public access;
- (c) any definition of 'military use' and the term 'military dock' on the Notes of

the OZP; any specific requirement/clause under the Notes for public access to the CMD site; and how to define whether the CMD site was in military use or not;

- (d) the difference between a 'protected place' and a 'closed area';

#### Opening Up and Management Aspects

- (e) details on implementation of opening up the CMD site for public access when it was not in military use since it had been written in the ES of the OZP; and the management authority of the site;
- (f) any examples of non-government facilities managed by government departments;
- (g) any plan for opening up the site for public access before its handover to the Hong Kong Garrison; the current progress of the CMD's construction; details on the schedule of handover to the Hong Kong Garrison; and the current status of the CMD in terms of management;
- (h) whether the CMD site had ever been opened to the public after the Handover of Hong Kong in 1997 and during the dragon boat races;

#### Others

- (i) details on the restricted water area and whether the water area was under the Board's jurisdiction ; and
- (j) whether 'Promenade' use was always permitted under the "OU(Military Use(1))" zone and whether the applicant's proposed uses including 'Pedestrian Area', 'Sitting Out Area' and 'Public Utility Installation' uses were always permitted under the "OU(Military Use(1))" zone on the current OZP.

8. In response to Member's enquiries, Mr Louis K.H. Kau, DPO/HK, made the following main points:

CMD and Military Use

- (a) the Exchange of Notes did not explicitly state the size of the military dock, but did state that 150 metres of the eventual permanent waterfront at a place close to the Central Barracks should be left free for the re-provisioning of a military dock for the Hong Kong Garrison upon completion of the Central reclamation works. As mentioned in paragraph 4.3 of the Paper, the conceptual design and construction of the CMD and the associated facilities were included in the Central Reclamation Phase III (CRIII) and were endorsed by the Public Works Subcommittee of the LegCo. The conceptual design of the CMD (which comprised four structures, landing steps and the space in between the facilities) had been presented in the public engagement exercises of the UDS and such design formed the basis for rezoning the site to "OU(Military Use(1))" on the draft Central District (Extension) OZP No. S/H24/8 in 2013;
- (b) apart from the berth with a length of 150 metres, the three landing steps and four structures, the CMD also required spaces for other related facilities which would make up the entire CMD having a total area of 3,000m<sup>2</sup> as reflected on the "OU(Military Use(1))" zone under the Central District (Extension) OZP. To meet the operation need of the Hong Kong Garrison, the conceptual design of the CMD had taken into account the comments of the Hong Kong Garrison. In addition, the CMD was designed to integrate with the waterfront promenade as recommended by the UDS and flexibility had been allowed in the design of the CMD. Movable gates were installed on the three sides of the CMD to separate the military site from the surrounding park area and walkways, such that the gates could be opened for members of the public to walk through if needed. Under other circumstances, the public could still use the pedestrian walkway to the immediate south of the dock area as a continuous east-west connection along the waterfront. The impact on the use of the waterfront promenade

had been taken into account in the design of the CMD;

- (c) according to the Notes of the OZP, 'military use' was always permitted under the "OU(Military Use (1))" zone. While the Notes did not explicitly define 'military use' and 'military dock', they were terms which should be generally understood by the public. As explained in paragraph 4.11 of the Paper, the CMD was a military facility at all times and its legal status would not change whether it was opened to the public or not. Since 2013 when the proposed amendments to the draft Central District (Extension) OZP No. S/H24/8 was exhibited for public inspection, the application site had been zoned "OU(Military Use(1))". The CMD had not yet been handed over to the Hong Kong Garrison. The specific requirement on opening up the site for public access was not stipulated under the Notes of the OZP;
  
- (d) according to the information provided by S for S, the CMD was declared as a 'protected place' under the Protected Places (Safety) Ordinance (Cap.260) and the four buildings in the land area of the CMD were declared as 'closed areas' under the Public Order Ordinance (Cap. 245) with effect from 29.6.2019. Under Cap. 260, any property in or upon the 'protected place' should be protected and any person who trespassed the 'protected place' without proper authorisation could be arrested and was guilty of an offence. Similarly, under the Public Order Ordinance (Cap. 245), any persons who trespassed the 'closed area' without permission should be guilty of an offence. As the CMD was declared as a 'protected place', the general public would need authorization to enter the place. For other military camps, an admission ticket would be required on an opening day;

#### Opening Up and Management Aspects

- (e) in 2013, during the hearing of representations and comments on the Central District (Extension) OZP No. S/H24/8, the Board had thoroughly discussed and considered the details on management of the CMD. The Board noted that its opening up for public access would be subject to further discussion

and follow-up by the HKSAR Government and the Hong Kong Garrison. The Hong Kong Garrison would consider opening up the site for public access, having regard to its operation and need for protecting the military dock. As explained in paragraph 4.11 of the Paper, the exact opening time and other relevant details of the opening of the CMD fell within the scope of the Hong Kong Garrison's defence work concerning management of military facilities which were to be decided by the Hong Kong Garrison. The Hong Kong Garrison was considering the relevant details and would inform the public in due course. The Hong Kong Garrison would manage the CMD according to the Garrison Law and the laws of Hong Kong where applicable, while the HKSAR Government would liaise with the Hong Kong Garrison regarding the public aspiration of opening up the site;

- (f) non-government facilities would generally not be managed by government departments, and would usually be managed by the relevant parties who owned the facilities;
- (g) as mentioned in paragraph 4.10 of the Paper, after the hearing of representations and comments on the draft Central District (Extension) OZP No. S/H24/8, a JR was lodged by DHKL and the legal proceeding continued between 2014 and 2018. During that period, the OZP was subject to an interim stay and could not be submitted to the CE in C for approval. As there was uncertainty on the status of the application site due to the JR, the Government had no concrete plan for opening up the site during the interim period. Moreover, although the construction work of the CMD had been completed, the facilities provided within the site were required to be tested by the Hong Kong Garrison before the handover and the schedule for handover was not yet available at the moment. Hence, the application site could not be opened for public access. As stated in paragraph 10.1.3 of the Paper, the Lands Department (LandsD) currently undertook the daily management of the site pending the handover of the CMD to the Hong Kong Garrison;
- (h) the construction of CMD and the associated facilities were included in the

CRIII project. When the construction work was nearly completed in 2013, the OZP incorporating the “OU(Military Use(1))” zone was exhibited for public inspection and a JR was subsequently lodged by DHKL. The application site had so far not been opened to the public. In the previous three years for the International Dragon Boat Races in the Central waterfront, the CMD was closed;

Others

- (i) on 29.3.2019, S for S submitted amendments to five relevant subsidiary legislation to the LegCo for the purpose of providing legal protection for the military dock. Of which, three were related to the land area of the CMD and two for the restricted water area. According to the amendment of the relevant subsidiary legislation, there would be two restricted water areas at the CMD called ‘inner restricted area’ and ‘outer restricted area’, which were shown in the PowerPoint presentation by the applicant’s representative. All boats would require a permit to enter the ‘inner restricted area.’ For the ‘outer restricted area’, boats exceeding 60m in length would require a permit for entry but smaller size boat (less than 60m in length) could pass by the area without a permit. The water area was not covered by any OZP and hence it would be outside the jurisdiction of the Board; and
- (j) ‘Promenade’, ‘Pedestrian Area’ and ‘Sitting Out Area’ uses were always permitted in all zones as provided under the Covering Notes of the OZP while ‘Public Utility Installation’ use was under Column 2 of “OU(Military Use(1))” zone which would require planning permission from the Board.

9. In response, Mr Paul Zimmerman, the applicant’s representative, said that the delineation of the CMD was confirmed in 2002. From 2002 to 2013, the government had always been stating that the CMD was an open space and would only be closed when military vessel was in town. In 2013, the site was rezoned to “OU(Military Use(1))” on the draft Central (Extension) OZP No. S/H24/8. The Exchange of Notes only indicated the length of the berth which made reference to the length of the vessels, and there was no detail on the

design for the facilities and its implementation in the Exchange of Notes. Regarding the dragon boat race, he expressed his grave concern that the public could not enjoy the races as the CMD was closed and public access was not allowed even though the construction work of the CMD had been completed.

10. A Member asked Mr Paul Zimmerman whether opening up of the CMD for public access when it was not in military use would serve the same purpose as the current rezoning proposal. In response, Mr Paul Zimmerman said that the general public had all along assumed the application site to be an open space unless a military vessel would come to the dock and require it to be closed. Unlike public space within private development, there would not be written agreement on documents such as the land lease regarding the opening up of space at the CMD for public access as LandsD would simply handover the CMD to the Hong Kong Garrison. There was also no written agreement in legislative means. Hence, the applicant considered that the proposed rezoning of a major portion of the application site to “O(1)” whilst retaining the structures and landing steps of the CMD as “OU(Military Use(1))” zone would ensure the fulfilment of the promise made by the Hong Kong Garrison. Both the Hong Kong Garrison and the public could share the use of the CMD.

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

#### Deliberation Session

12. A Member said that the CMD was a military facility which included a 150m berth and relevant land required for such purpose. From management perspective, it would be up to the Hong Kong Garrison to determine how to use the site and hence it was not practical for a third party to manage part of the site. Even if the application site was rezoned to “O(1)”, there would not be any change in the management issue which should still be for the Hong Kong Garrison to decide when to open up the site. In that regard, the Member considered the current zoning of the CMD site appropriate.

13. A Member did not support the application having regard to the historical context of the application site. The Member considered that the CMD site, including the four structures, was necessary to function as a whole for military use. There was no new justification that would warrant a change of the Board's previous decision. As the CMD site had been declared as a 'protected place', the issue of public access would be governed under a separate mechanism even if the Board approved the current rezoning application. Nevertheless, from the planning perspective, the Government should be mindful of the way forward on the opening up issue to meet the public aspiration, or else mistrust might be created between the Government and the public. There should be better communication between the Government and the public in that regard.

14. The Vice-chairman and two other Members who attended the Board's hearings of representations and comments for the OZP No. S/H24/8 in 2013 expressed that the Board had gone through a thorough and elaborated discussion on similar issues during the plan-making process in relation to the site. Given that the current rezoning proposal had no new justifications and there had been no change in planning circumstances, there was no strong reason that warranted a change of the Board's previous decision.

15. Members noted that the CMD site had been declared as a 'protected place', and was a military facility designated for military use by the Hong Kong Garrison. Members unanimously did not support the rezoning application to rezone part of the CMD site to "O(1)", and considered that the current "OU(Military Use(1))" zone was appropriate to reflect the planning intention and primary use of the application site.

16. The Committee noted that CMD management arrangement was outside the purview of the Board, and the Hong Kong Garrison had agreed to consider opening it for public use having regard to its operation and need for protection of military dock. In order to meet the public expectation on early opening up of CMD for public use, the Committee was of the view that handing over of the CMD to the Hong Kong Garrison should be expedited.

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



17. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- “(a) the “OU(Military Use (1))” zone is considered appropriate to reflect the planning intention and primary use of the application site as a military dock; and
- (b) the inclusion of the minor relaxation clause in the Remarks of the Notes for the “OU(Military Use (1))” zone is to allow flexibility in building height control to cater for specific site circumstances. There is no planning justification for deletion of the clause.”

[Mr Paul Y.K. Au left the meeting temporarily at this point.]

### **Tsuen Wan and West Kowloon District**

#### **Agenda Item 4**

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

[Open Meeting]

A/K5/808 Proposed Shop and Services in “Other Specified Uses” annotated “Business” Zone, Portion of Workshop A1, G/F, Kimberland Centre, 55 Wing Hong Street, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/808A)

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18. The Committee noted that the applicant’s representative requested on 16.10.2019 deferment of the consideration of the application for one month in order to allow time for preparation of further information (FI) to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted FI including a traffic review and revised floor plans.

19. 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 three months had been allowed for the preparation of the further information, no further deferment would be granted unless under very special circumstances.

[Mr Stanley T.S. Choi left the meeting at this point.]

[Mr Ng Kar Shu, Senior Town Planner/Tsuen Wan and West Kowloon, STP/TWK, was invited to the meeting at this point.]

## **Agenda Item 5**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/505                      Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Industrial Building Redevelopment in "Industrial" Zone, 14-18 Ma Kok Street, Tsuen Wan, New Territories  
(MPC Paper No. A/TW/505B)

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20.            The Secretary reported that the application site was located in Tsuen Wan. Kenneth To & Associates Ltd. (KTA) and Associated Architects Ltd. (AAL) were two 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 the Hong Kong Housing Society which was having current business dealings with KTA; |
| Mr Stanley T.S. Choi | - | his spouse being a director of a company owning properties in Tsuen Wan;   |

- Professor John C.Y. Ng - his spouse owning a flat at Discovery Park in Tsuen Wan; and
- Mr Alex T.H. Lai - his firm having current business dealings with AAL.

21. The Committee noted that Messrs Alex T.H. Lai and Stanley T.S. Choi had already left the meeting. Since the property owned by Professor John C.Y. Ng's spouse did not have a direct view of the site and Mr Daniel K.S. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

22. With the aid of a PowerPoint presentation, Mr Ng Kar Shu, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application - during the consideration of the application on 16.8.2019, while Members were in support of the policy to incentivize redevelopment of pre-1987 industrial building (IB), the Committee had concerns on the planning merits and building design of the Proposed Scheme pertaining to the pedestrian accessibility and connectivity of Tsuen Yip Street. The Committee decided to defer making a decision on the application as more information on the provision of a pedestrian friendly environment along Tsuen Yip Street was required;
- (b) further information – on 13.9.2019, the applicant submitted Further Information (FI) to enhance the development proposal and further elaborate on the planning merits and building design of the Proposed Scheme as detailed in paragraph 2 of the Paper. To echo with the traffic improvement works to Tsuen Yip Street to be implemented by the Government, the Proposed Scheme was further refined to provide a 0.6m setback at G/F from the lot boundary abutting Tsuen Yip Street for provision of greenery along the street, contributing to about 17m<sup>2</sup> of greenery area, which was additional to the proposed 371.51m<sup>2</sup> greenery (about 20% of total site area) on G/F and 1/F flat roof. Of the greenery on

G/F and 1/F flat roof, there was about 45m<sup>2</sup> greenery (about 2.4% of the site area) on G/F facing Tsuen Yip Street. The applicant also proposed to adopt green building design by the provision of twin tanks for potable water, motion sensor for lighting systems, energy meters for main building services systems, CO<sup>2</sup> sensor of the basement carpark, and low e-glass IGU as façade;

- (c) departmental comments – departmental comments were set out in paragraph 4 of the Paper. The Chief Town Planner/ Urban Design & Landscape Section (CTP/UD&L) of Planning Department (PlanD) considered that the majority portion of the G/F footprint would be setback 0.6m from the lot boundary abutting Tsuen Yip Street, providing additional greenery area to enhance the public realm and the previously proposed greenery edge treatment near the southern lot boundary had also been extended. That would bring about further improvements to the streetscape and pedestrian environment. All other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory publication period of the FI, no public comment was received; and
- (e) the PlanD's views – PlanD maintained its previous view of having no objection to the application based on the assessments set out in paragraph 6 of the Paper. In response to Members' concerns, the applicant had submitted FIs to propose enhancements for improving the Proposed Scheme. In connection with the Government's latest proposal of converting Tsuen Yip Street from an existing emergency vehicular access into a carriageway with 1.6m footpath along the lot boundary of the application site, the applicant proposed to provide 0.6m G/F setback within the application site with additional greenery along G/F façade facing Tsuen Yip Street. Moreover, other original building design for the Proposed Scheme would still be adopted including the provision of a 7.5m setback on the G/F portion along the façade facing Ma Kok Street from the centreline of the street, incorporation of greenery provisions on G/F and 1/F flat roof

(i.e. all less than 15m high above street level) with an area about 20% of total site area, and vertical greening of not less than 40m<sup>2</sup> at G/F facing Ma Kok Street on top of the 20% greenery, to enhance the streetscape and pedestrian walking environment. The proposed redevelopment was generally in line with the planning intention of the “Industrial” zone and the proposed building height (BH) of about 85mPD complied with the BH restriction of 100mPD under the Outline Zoning Plan. The proposed minor relaxation of PR from 9.5 to 11.4 (i.e. +20%) generally followed the policy on revitalization of pre-1987 IBs. The original features together with the additional improvement measures as proposed in the applicant’s FI would further improve the streetscape and pedestrian environment. Relevant government departments had no adverse comments on the application, subject to incorporation of appropriate approval conditions on proposed setback along the site boundary fronting Ma Kok Street and provision of internal transport facilities, sewerage upgrading and fire safety installations.

23. Two Members enquired on the types of greenery features to be provided and the mechanism for ensuring the implementation of such features and the proposed setback. In response, Mr Ng Kar Shu, STP/TWK, explained that according to the applicant, the provision of the overall greenery coverage of about 20% of total site area would include shrubs, lawn and ground cover planting. As the application was for redevelopment of the IB, building plans (BPs) submission to the Buildings Department would be required and PlanD, when vetting such BPs, would ensure the provision of setback and greenery as proposed in the scheme, if the application was approved by the Committee.

#### Deliberation Session

24. A Member expressed that additional features had been provided by the applicant to enhance the scheme on the pedestrian level. However, there was still concern on whether the proposed green features could be practically provided as the information in the submission was relatively simple drawings with general terminology. Members generally considered the proposal acceptable and an additional approval condition on the submission and implementation of a landscape proposal could be imposed to ensure that the green

features would be implemented as proposed.

25. 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 1.11.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the design and provision of setback along the site boundary fronting Ma Kok Street for the widening of footpath/road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or or of the TPB;
- (b) the design and provision of parking facilities, loading/unloading spaces, vehicular access and internal driveway for the proposed redevelopment to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission of a revised Sewerage Impact Assessment for the proposed redevelopment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (f) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment for the proposed redevelopment in condition (e) above to the satisfaction of the Director of Drainage Services or of the TPB.”

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

[The Chairman thanked Mr Ng Kar Shu, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr Paul Y.K. Au returned to join the meeting while Mr Franklin Yu left the meeting at this point.]

[Mr Vincent W.Y. Wong, Senior Town Planner/Hong Kong, STP/HK, was invited to the meeting at this point.]

### **Hong Kong District**

#### **Agenda Item 6**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/282                      Proposed Minor Relaxation of Building Height Restriction for Permitted Hospital Use in "Government, Institution or Community" Zone, Southern Portion of Phase 1 of the Redevelopment of Grantham Hospital at No. 125 Wong Chuk Hang Road, Wong Chuk Hang, Hong Kong  
(MPC Paper No. A/H15/282)

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

27.                      The Secretary reported that the application was submitted by the Hospital Authority (HA). Townland Consultants Limited (Townland), Rocco Design Architects Limited (Rocco), WSP (Asia) Limited (WSP) and Ove Arup and Partners Hong Kong Limited (ARUP) were four 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 HA, Townland, Rocco, WSP and ARUP; |
| Mr Thomas O.S. Ho | - | having current business dealings with ARUP  |

and past business dealings with Townland;  
and.

Mr Franklin Yu - having past business dealings with ARUP.

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

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

- (a) background to the application;
- (b) the proposed minor relaxation of building height (BH) restriction from 9 storeys to 14 storeys for permitted hospital use;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Secretary for Food and Health supported in principle the application. The District Officer (Southern), Home Affairs Department advised that a workshop was conducted by the Southern District Council (SDC) on 22.7.2019 to discuss the redevelopment project of the Grantham Hospital. SDC Members who attended the workshop agreed with the application for minor relaxation of the BH restriction for the Clinical Block under the project. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory publication periods, three public comments were received with two supporting from a SDC Member and an individual and one individual raising concerns on the application. 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. The proposed development was generally in line with the planning intention



of the “Government, Institution or Community” zone. The Chief Town Planner/Urban Design & Landscape Section of PlanD had no adverse comment on the application from urban design, visual and landscape aspects. Other concerned departments including the Buildings Department and Architectural Services Department had no adverse comment on the proposal. Given that five similar applications for minor relaxation of BH restriction had also been approved within the Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP), approval of the current application was in line with the Committee’s previous decisions. Regarding the public comments, comments of concerned departments and the planning assessments above were relevant. It should also be noted that relevant government departments would take up the implementation of the connection from MTR Ocean Park Station to the boundary of Grantham Hospital and HA would closely communicate and coordinate with the concerned government departments on the provision of the footbridge to enhance pedestrian accessibility.

[Dr Frankie W.C. Yeung and Mr Stephen H.B. Yau left the meeting at this point.]

### *Building Height*

30. Noting the relatively high percentage in the proposed relaxation of the BH restriction in terms of number of storeys, the Vice-chairman asked about the maximum BH in terms of mPD under the OZP compliant scheme and the proposed scheme. In response, Mr Vincent W.Y. Wong, STP/HK, referred to Drawing A-16 of the Paper and said that the rooftop was at 73.2mPD under the compliant scheme while that under the proposed scheme was 88.5mPD.

31. In response to a Member’s enquiry on the calculation on percentage of BH relaxation, Mr Vincent W.Y. Wong, STP/HK, clarified that the 55% increase in BH was calculated based on the number of storeys as the proposed Clinical Block at the application site fell within the area subject to a maximum BH restriction of 9 storeys (excluding basement floors) under the OZP, while the northern part of the site was subject to a maximum BH restriction of 90mPD.

32. A Member enquired about the rationale for imposing a maximum BH restriction of 9 storeys on the OZP. In response, Mr Vincent W.Y. Wong, STP/HK, said that the 9-storey BH restriction was imposed on the OZP with reference to the existing BH of Grantham Hospital.

#### *Pedestrian Connectivity*

33. Some Members enquired on the pedestrian connectivity between the proposed development and the surrounding areas. Mr Vincent W.Y. Wong, STP/HK, making reference to the proposed connectivity diagram provided by the applicant, explained that in addition to the existing footbridge across Wong Chuk Hang Road, there would be a proposed footbridge connection from MTR Ocean Park Station to the hospital from Nam Fung Road and also a proposed at grade covered walkway to connect the MTR Ocean Park Station with the existing footbridge across Wong Chuk Hang Road. The applicant had not proposed any pedestrian connection network between Wong Chuk Hang MTR Station and the Grantham Hospital.

#### *Planning Consideration*

34. A Member asked how the proposed development was assessed with reference to the criteria for consideration of minor relaxation of BH restriction as listed in paragraph 7.2 of the Paper. Mr Vincent W.Y. Wong, STP/HK, responded that the proposed development would meet the medical needs of the area and the wider district by providing more in-patient accommodation. Although there would be visual change due to the increase in number of storeys, design features such as building setback (as illustrated in Drawing A-24), green decks, partial recess at podium and tower levels and curvilinear building edge would be incorporated into the proposed development to alleviate visual impact and promote visual interest. Hence, the proposed scheme had its own design merits and planning gain.

#### Deliberation Session

35. Members noted that the redevelopment of Grantham Hospital would be conducted in 2 phases to allow the existing hospital operations to be maintained at all times. As part of the first Ten-year Hospital Development Plan, Phase 1 included the construction of

2 new blocks i.e. the proposed Clinical Block at the application site and the adjoining University Block to be operated by the University of Hong Kong. Once Phase 1 was completed, the existing Clinical Block would be freed up for redevelopment under Phase 2 which would comprise a new Ambulatory Block, forming part of the second Ten-year Hospital Development Plan, and the details of the Ambulatory Block had yet to be worked out.

36. Members generally considered the redevelopment project acceptable as it would enhance medical services in the area and in the wider district. As for the minor relaxation in BH sought for, it was noted that while the proposed increase in BH in terms of number of storeys was more than 50%, the increase in terms of mPD was relatively less.

37. In considering whether the relaxation of BH sought for was “minor”, the Vice-chairman opined that the Board should not focus solely on the height difference, but other factors such as the overall context of the site/proposal, the planning circumstances and the potential visual impacts. For the subject application, the percentage increase in BH in terms of mPD as compared with that in terms of number of storeys was relatively less. The two lower storeys below the proposed main entrance level, if not due to the proposed vehicular access on LG2/F, could be regarded as basement and not counted as storeys under the Notes of the OZP. Besides, the application had its own planning gain to meet the medical needs of the public. Members generally considered the relaxation of BH restriction sought for acceptable.

38. A Member commented that the design of the proposed Clinical Block could be more interesting and responsive to the surrounding environment so as to compensate for the potential visual changes induced by the increase in BH. A Member considered that detailed design might not be available at the current planning application stage, and such details were not the main concern of the Committee in considering the application. The Member, who earlier expressed concern on the design aspect, said that the main concern was on the building mass and that the relaxation of BH restriction sought for could allow a better building design with visual interest, and more effort should be made by the applicant to improve the building design.

39. Regarding the pedestrian connectivity, some Members suggested that the

concerned departments should work together to improve the accessibility between the hospital and the surrounding areas. On the invitation of the Chairman, Mr Michael Law, Assistant Commissioner for Transport (Urban) of Transport Department (TD), briefed Members on the proposed pedestrian network to be implemented by the Government. Originally, the TD proposed a at grade covered walkway to connect MTR Ocean Park Station and Grantham Hospital, and its construction programme would tally with that for the Phase 1 redevelopment of Grantham Hospital. However, the SDC suggested constructing a footbridge, which would involve more construction work and larger time span for implementation, and TD would further investigate the feasibility and review the construction programme.

40. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 1.11.2023, 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.

41. 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 Vincent W.Y. Wong, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Ms Sandy H.Y. Wong, Professor Jonathan W.C. Wong and Mr Thomas O.S. Ho left the meeting at this point.]

**Kowloon District**

**Agenda Item 7**

**Section 16 Application**

[Open Meeting]

A/K13/313                      Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions in “Other Specified Uses” annotated “Business” Zone, 13 Sheung Yuet Road, Kowloon Bay, Kowloon  
(MPC Paper No. A/K13/313)

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42.            The Secretary reported that Townland Consultants Limited (Townland), LWK & Partners (Hong Kong) Limited (LWK), MVA Hong Kong Limited (MVA) and Jones Lang LaSalle Limited (JLL) were four 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 Townland, LWK, MVA and JLL;              |
| Mr Thomas O.S. Ho | - | having current business dealings with MVA and past business dealings with Townland; and |
| Mr Franklin Yu    | - | having past business dealings with MVA.   |

43.            The Committee noted that the applicant had requested deferment of consideration of the application, and Messrs Alex T.H. Lai, Thomas O.S. Ho and Franklin Yu had already left the meeting.

44.            The Committee noted that the applicant’s representative requested on 16.10.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

45.            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 William W.L. Chan, Senior Town Planner/Kowloon, STP/K, was invited to the meeting at this point.]

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/314            Proposed Shop and Services in "Other Specified Uses" annotated "Business" Zone, Portion of Unit 8A (8A1, 8A2, 8A3, 8A4, 8A5A, 8A5B & 8A6 only), G/F, Kowloon Bay Industrial Centre, 15 Wang Hoi Road, Kowloon Bay, Kowloon  
(MPC Paper No. A/K13/314)

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

46.            With the aid of a PowerPoint presentation, Mr William W.L. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no

objection to or adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; 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 proposed use was generally in line with the planning intention of the “Other Specified Use” annotated “Business” zone and was compatible with the changing land use character of Kowloon Bay Business Area. The proposed use also 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, and the aggregate commercial gross floor area on the ground floor was within the maximum permissible limit of the industrial building with sprinkler system.

47. Members had no question on the application.

#### Deliberation Session

48. 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 valid 1.11.2021, 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 service installations and equipment at the application premises and means of escape separated from the industrial portion of the subject industrial building within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.5.2020; and

- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

49. 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 Mr William W.L. Chan, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

**Agenda Item 9**

Any Other Business

50. There being no other business, the meeting closed at 12:55 p.m..