

TOWN PLANNING BOARD

Minutes of 642nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 3.1.2020

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 Alex T.H. Lai

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

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

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 Damien C.M. Chan

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

Secretary

Absent with Apologies

Mr Thomas O.S. Ho

Professor T.S. Liu

Mr Stanley T.S. Choi

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
Ms Charlotte P.S. Ng

Agenda Item 1

Confirmation of the Draft Minutes of the 641st MPC Meeting held on 13.12.2019

[Open Meeting]

1. The draft minutes of the 641st MPC meeting held on 13.12.2019 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/585 Proposed Flat, Shop and Services in “Residential (Group E)” Zone and area shown as ‘Road’, 25-29 Kok Cheung Street, Tai Kok Tsui, Kowloon (MPC Paper No. A/K3/585)

3. The Secretary reported that the application was submitted by Asia Turbo Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD), and other. Kenneth To & Associates Limited (KTA), LWK & Partners (Hong Kong) Limited (LWK) and WSP (Asia) Limited (WSP) were three of the consultants of the applicants. The following Members had declared interests on the item:

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|--------------------|---|---|
| Mr Alex T.H. Lai | - | his firm having current business dealings with HLD, LWK and WSP; |
| Mr Franklin Yu | - | having past business dealings with WSP; and |
| Mr Daniel K.S. Lau | - | being an ex-Director (Development and Marketing) of Hong Kong Housing Society which had current business dealings with KTA. |

4. The Committee noted that Mr Franklin Yu had not yet arrived at the meeting. As Messrs Alex T.H. Lai and Daniel K.S. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Ms Caroline T.Y. Tang, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed flat, shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory publication periods, two public comments were received from individuals expressing concerns on the application. 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 assessments set out in paragraph 11 of the Paper. The application site was the subject of a previously approved application for the same uses while the current application was to increase the building height (BH) and the number of flats of the proposed development with the proposed plot ratio remained unchanged. Although there was an increase in car parking facilities arising from the increase in number of flats, the Commissioner for Transport (C for T) had no objection to the application. The Chief Highway Engineer/Kowloon of the Highways Department had no objection to the proposed 24-hour pedestrian walkway in addition to a newly proposed internal pedestrian access linking up Sham Mong Road and Kok Cheung Street through the G/F of the proposed development. The planning merits in the approved scheme would be retained and enhanced. Other relevant government departments had no objection to or no adverse comment on the application. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

6. In response to the Chairman's and a Member's enquiries regarding the proposed pedestrian walkway located at the south of the application site adjoining Fuk Chak Street Extension, Ms Caroline T.Y. Tang, STP/YTM, made the following main points:

- (a) the proposed pedestrian walkway fell within an area shown as “Road” on the Outline Zoning Plan. C for T advised that there was no implementation programme for the proposed Fuk Chak Street Extension and had no objection to the proposed pedestrian walkway;
- (b) the applicants intended to apply for a short term tenancy of the government land adjoining the southern boundary of the lots for implementation of the proposed full length pedestrian walkway (about 12m); and
- (c) greening and landscaping features would be provided for streetscape enhancement.

7. To address a Member’s concerns on accessibility of the proposed development, Ms Caroline T.Y. Tang, with reference to Plan A-5 of the Paper, pointed out that pedestrians could gain access to the Olympic MTR Station in West Kowloon via the proposed pedestrian walkway at the southern end of the application site and a footbridge linking to the MTR Station located in its vicinity. Alternatively, pedestrians could also make use of an internal pedestrian access to be provided on G/F of the proposed development which would link up Kok Cheung Street and Sham Mong Road.

Deliberation Session

8. 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 3.1.2024, 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 the 24-hour public pedestrian walkway at Fuk Chak Street Extension at the applicants’ own cost, as proposed by the applicants, to the satisfaction of the Director of Highways or of the TPB;
- (b) the design and provision of internal transport facilities and vehicular access arrangement for the proposed development to the satisfaction of the

Commissioner for Transport or of the TPB;

- (c) the submission of a Noise Impact Assessment and implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the revised Sewerage Impact Assessment in condition (d) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

[Ms Sandy H.Y. Wong and Mr Franklin Yu arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/586 Shop and Services in “Other Specified Uses” annotated “Business” Zone,
Workshops 1-6, G/F, Wing Lee Industrial Building, 54, 56 and 58 Tong
Mi Road, Kowloon
(MPC Paper No. A/K3/586)

Presentation and Question Sessions

10. With the aid of a PowerPoint presentation, Ms Caroline T.Y. Tang, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from the owners' corporation of the subject building. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The application was considered generally in line with the planning intention of "Other Specified Uses" annotated "Business" ("OU(B)") zone. The applied use was considered not incompatible with the general land use character of the area and would not generate adverse fire safety, traffic, environmental or infrastructural impacts on uses within the subject industrial building and the adjacent areas. A similar application for shop and services use within the "OU(B)" zone in the Mong Kok Area had been approved by the Committee. Approval of the application was considered in line with the Committee's previous decision. Concerned government departments had no objection to or no adverse comment on the application. Regarding the adverse public comment, the comments of government departments and the planning assessments above were relevant.

11. A Member noted a discrepancy in site boundary between the previous application and the current application. Ms Caroline T.Y. Tang, STP/YTM, clarified that both applications involved the same premises which were workshops 1 to 6 on G/F at the subject industrial building.

Deliberation Session

12. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions:

- “(a) the submission and implementation of fire safety measures within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.7.2020; 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 be revoked immediately without further notice.”

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

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/TW/512 Proposed Columbarium in “Government, Institution or Community (6)” Zone, Tung Lum Nien Fah Tong (Block 7 & Block 8), No. 29 Tung Lam Terrace, Lo Wai, Tsuen Wan, New Territories (Lot 1233 R.P. (Part) in D.D. 453)
(MPC Paper No. A/TW/512)

14. The Secretary reported that the application site was located in Tsuen Wan. The following Members had declared interests on the item:

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

15. The Committee noted that the applicant had requested deferral of consideration of the application and Mr Stanley T.S. Choi had tendered an apology for being unable to attend the meeting. As the property owned by Professor John C.Y. Ng's spouse had no direct view of the application site, the Committee agreed that he could stay in the meeting.

16. The Committee noted that the applicant's representative requested on 6.12.2019 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.

17. 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.

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

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

Hong Kong District

Agenda Item 6

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/395-2 Proposed Extension of Time for Commencement of Approved Commercial/Office Development in "Commercial (6)" zone, 8-18 Wing Fung Street and Government Land behind 12-18 Wing Fung Street, Wan Chai

(MPC Paper No. A/H5/395-2)

18. The Secretary reported that the application was submitted by Super Gear Limited, which was a subsidiary of Swire Pacific Limited (Swire) and the application site was located in Wan Chai. The following Members had declared interests on the item:

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| Mr Thomas O.S. Ho | - | having current business dealings with Swire; |
| Mr Alex T.H. Lai | - | his firm having current business dealings with Swire; |
| Mr Stephen H.B. Yau | - | his office locating at Southorn Centre in Wan Chai; and |
| Ms Lilian S.K. Law | - | her spouse serving an honorary post at Ruttonjee Hospital in Wan Chai. |

19. The Committee noted that Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting. As Mr Alex Lai had no involvement in the application, the office of Mr Stephen H.B. Yau had no direct view of the application site, and Ms Lilian S.K. Law's interest was indirect, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed extension of time (EOT) for commencement of the approved commercial/office development for a period of 3 years until 6.1.2023;
- (c) departmental comments – departmental comments were set out in paragraph 6 of the Paper. The Commissioner for Transport (C for T) advised that the applicant should demonstrate that the previous Traffic Impact Assessment (TIA) submitted for the approved development was still applicable taking into account the latest anticipated completion year and the traffic generated from all nearby new developments before completion of the approved development. Other concerned government departments had no objection to or no adverse comment on the application; and
- (d) the Planning Department (PlanD)'s views – PlanD did not support the EOT application based on the assessments set out in paragraph 7 of the Paper. As EOT had been granted once for a period of 4 years, any further granting of EOT would result in a total extension period exceeding the original duration for commencement of development of the approved development proposal which was not in line with the Town Planning Board Guidelines No. 35C and 36B (the TPB Guidelines). Whilst the Committee needed not to reject the current section 16A application solely on non-compliance with the TPB Guidelines, it was necessary for the applicant to establish a strong case to warrant special consideration by the Town Planning Board (the Board) in granting further EOT for commencement of development, which was beyond the scope of Class B amendments. Notwithstanding that actions had been taken by the applicant for implementation of the approved development, changes in planning circumstances in the past eight years might result in adverse planning implications arising from the current EOT. In that connection, C for T had doubt on whether the approved TIA was still applicable given that developments nearby might have experienced changes and traffic situation had changed during such a long period, and considered that a critical review on the provision of the internal transport facilities should be conducted with due regard to the strong demand for car parking spaces

and loading/unloading (L/UL) facilities in the district. Approving a further EOT beyond the level of Class B amendment without strong justification might set an undesirable precedent for similar applications.

21. The Vice-chairman and some Members raised the following questions:

Class B Amendments

- (a) whether application for Class B amendments would be straightforward and permission be normally granted;
- (b) the scope of Class B amendments and whether any similar application had been considered by the Board;

Commencement of Development

- (c) the consideration of whether an approved scheme was commenced;
- (d) the efforts made by the applicant to fulfil the requirement for commencement of the proposed development;
- (e) the status of the latest set of building plans submitted by the applicant;

Land Administration Matters

- (f) the details of the District Lands Conference (DLC) approval and the progress of the land exchange application in relation to the approved scheme;

Changing Circumstances

- (g) the provision of the internal transport facilities and the parking standards under the Hong Kong Planning Standards and Guidelines (HKPSG);

Existing Buildings on Site

- (h) the land ownership of the application site currently occupied by two existing residential buildings known as Wing Fung Building and Regal Court; and
- (i) if the two existing residential buildings on-site could be retained or would be

demolished if the EOT was rejected.

22. In response, Mr Anthony K.O. Luk, STP/HK, made the following main points:

Class B Amendments

- (a) an EOT approval was not granted automatically. In accordance with the TPB Guidelines No. 36B, the Board had delegated its authority to the Director of Planning to consider applications for Class B amendments. However, an application for Class B amendments with adverse departmental comments would have to be submitted to the Board for consideration according to the above Guidelines;
- (b) for Class B amendment in relation to EOT for commencement of development, it referred to the period of extension, or the aggregate of all the periods of extensions, not exceeding the original duration for commencement of development of the approved development. Notwithstanding that, even though the subject application had exceeded the original duration for commencement of development which was beyond Class B amendment, the Board could still consider the application as submitted by the applicant under section 16A of the Town Planning Ordinance (TPO). There was a similar planning application for a further EOT, which was rejected by the Rural and New Town Planning Committee in 2010;

Commencement of Development

- (c) according to the TPB Guidelines No. 35C, either approval of building plans or execution of land grant/lease modification would constitute a commencement of the approved development. As an administrative measure, letters would be issued annually by PlanD to remind the applicants to commence their developments as approved by the Board. The latest reminder letter was issued to the applicant in July 2019;
- (d) a total of four general building plan (GBP) submissions had been made by the applicant between April 2012 and August 2013. According to the applicant, all submissions were disapproved by the Building Authority (BA)

due to insufficient documentary proof of ownership or realistic prospect of control of the government land forming part of the application site. The applicant had made the fifth GBP submission in October 2019 which was under processing by the Buildings Department (BD);

- (e) while BA had since 2010 required an applicant to provide particulars and documentary proof of land ownership or realistic prospect of control of the land forming the site prior to GBP approval, BD indicated that favourable consideration on that aspect would be given when processing the latest GBP submission of the proposed development based on DLC's no in-principle objection to the land exchange application;

Land Administration Matters

- (f) the applicant applied to the Lands Department (LandsD) for a land exchange after the Board had granted approval to the application in 2012. DLC in-principle approved the land exchange application in 2014, which was still not executed pending resolution of certain technicalities;

Changing Circumstances

- (g) according to the approved development scheme, parking facilities, including 37 car parking spaces and 4 motorcycle parking spaces, would be provided at two basement floors of the proposed development. The provision was on the lower end of the requirements for car parking spaces and L/UL facilities as stipulated in the HKPSG, in which the standard of 1 car parking space per 200-300m² GFA for retail and office development was applicable. Subject to the Transport Department (TD)'s advice, an additional 19 parking spaces, which required one or more basement levels, would have to be provided in order to meet the high-end requirement in the HKPSG;

Existing Buildings on Site

- (h) the application site was owned by the applicant except a strip of government land which was a service lane (hatched area as indicated on Plan AA-2 in the Paper); and

- (i) the applicant could submit a new application when the current application lapsed. Meanwhile, Wing Fung Building and Regal Court could be retained until new redevelopment opportunity arose.

23. Mr Damien C.M. Chan, Assistant Director (Regional 1) (AD(R1)) of LandsD, supplemented that since there was no direct vehicular access to the proposed commercial/office development on the application site which would require access through the adjoining Three Pacific Place (3PP), certain government rights had to be necessarily reserved. Followed by the no in-principle objection by DLC in 2014, detailed discussions had been carried out between LandsD and the applicant in relation to the access issue, and a consensus had been reached in August 2018 that a lease modification of the 3PP site had to be submitted in parallel with a view to facilitating the proposed land exchange application. The case was yet to be finalized pending further submission from the applicant.

24. In response to a Member's enquiry on the nature of DLC, Mr Damien C.M. Chan, AD(R1) of LandsD, explained that DLC was an inter-departmental meeting chaired by an Assistant Director of LandsD with the attendance of the concerned government officials in handling land transaction matters. Applicants of land related applications might be required to attend DLC to answer questions and provide further information where appropriate.

25. In response to the Vice-chairman's and a Member's concerns in terms of traffic aspect and parking provision, Mr David C.V. Ngu, Chief Traffic Engineer/Kowloon (CTE/K), TD, supplemented that in the absence of the latest anticipated completion year of the proposed development, the TIA completed in 2012 might not be accurate in reflecting the traffic generated from all nearby new developments before completion of the approved development. Furthermore, although the relevant parking standard had not been revised since 2012, TD had taken a more aggressive approach in meeting acute parking needs, and it was opportune for the applicant to review the parking provision of the approved development. Having said that, when assessing the parking provision proposed by the applicant, due regard would be given to relevant factors such as site constraints and constructability. Mr Ngu further clarified that the parking requirement in concern was ancillary to the development to cater for its own need only.

[Dr Lawrence W.C. Poon arrived to join the meeting at this point.]

Deliberation Session

26. The Chairman highlighted a few major points that Members might take note of when considering the subject EOT application. Firstly, the subject application was to request a further EOT for commencement of development where no changes had been proposed in the development parameters under the approved scheme. Secondly, a validity period for planning permission was to ensure that the approved scheme would be implemented within a reasonable period of time during which there was no major change in circumstances since the original approval. Lastly, Members might consider whether there had been changes in traffic conditions eight years after approval and whether the need to fulfil the high-end provision of car parking spaces and L/UL facilities would constitute a change in circumstances.

27. To answer a Member's enquiry, the Chairman clarified that the TPB Guidelines No. 36B had stipulated that if the amendments to an approved development did not fall within Class A nor Class B amendments, a fresh planning application under Section 16 of the TPO would be required.

28. In response to the Vice-chairman's request for clarification on what could warrant special circumstances and whether they could override the TPB Guidelines, the Chairman said that the assessment criteria were outlined in the TPB Guidelines No. 35C as well as para 3.2 of the Paper. The Secretary supplemented that the applicant in 2015 had applied for an EOT for commencement of the development which was approved based on the assessment criteria in the TPB Guidelines No. 35C. However, the further EOT requested under the subject application would result in an aggregate extension period (seven years) exceeding the original duration (4 years) for commencement of the approved development proposal. According to legal advice, the application could still be processed and considered by the Board based on the TPB Guidelines, but strong justifications should be provided by the applicant to merit the exercise of the discretion by the Committee to depart from the TPB Guidelines to grant an EOT.

29. Members noted that although the land exchange application in respect of the Site was already approved in principle by the DLC in 2014, Mr Damien C.M. Chan, AD(R1) of LandsD, advised that it was yet finalised as those identified land administration issues, including government's right of access, had to be addressed by the applicant. In that regard, the timing for execution of the proposed land exchange remained uncertain.

30. Regarding other efforts done by the applicant since the approval in 2012, the Chairman said that the applicant had complied with the design aspect of the relevant approval conditions imposed to the original planning application No. A/H5/395, including that on the design of car parking and L/UL facilities.

31. Members also noted that the fifth set of GBP was submitted to BD for processing in October 2019, and BD might give favourable consideration based on DLC's no in-principle objection to the land exchange application in 2014. However, the GBP had not yet been approved as some technical amendments would have to be made by the authorized person of the applicant. In that regard, a few Members considered that there was a reasonable prospect for the applicant to obtain building plan approval if a further EOT was granted, and sympathetic consideration could be given.

32. With regard to the traffic aspect, Members noted that Wan Chai was still under transformation with mixed commercial and residential developments. The comments of TD might be useful in considering whether the current traffic condition which might change as compared to 2012, together with the requirement for high-end provision of car parking spaces and L/UL facilities, would constitute a change in circumstances.

33. Some Members however considered that a material change in planning circumstances in traffic aspect should not be a strong reason to reject the application as the Committee might be challenged on moving the goal post in assessing the development proposal. Should the Committee decide to reject the application, it should base on the applicant's failure in demonstrating strong justifications to warrant special consideration by the Board. In this connection, the concerns on traffic aspect of the proposed development should not be relevant. Afterall, TD's concern could be addressed by imposing a new approval condition as set out in paragraph 8.2 of the Paper if the EOT application was approved by the Committee.

34. A few Members considered a further EOT could be granted as the applicant had demonstrated efforts to implement the approved development, including making GBP submissions and obtaining in-principle approval of land exchange. An exception could be made in the current case to allow EOT for commencement of the proposed development as there was a reasonable prospect for the applicant to obtain building plans approval soon while the land exchange application was actively under processing. However, those Members

considered that a shorter period of extension of less than 3 years should suffice.

35. A Member hold differently and considered that the TPB Guidelines should be adhered to as they were prepared and promulgated to guide the Board in the exercise of its duty and power in a consistent manner. The Member was concerned that by granting the subject EOT, which was not supported by strong justifications or special circumstances, it would arouse accusation towards the Board's integrity. The Vice-chairman and some Members shared similar views and considered that limited efforts had been made by the applicant to commence the approved development since 2012, in particular, there was no information on why the applicant had not made any building plans submission after obtaining a no in-principle objection from DLC in 2014, but until 2019. Members also noted that there was no precedent case in granting permission to similar application by either the Committed or the Board.

36. After further discussion, since there were divergent views among Members on whether to grant a further EOT for commencement of development, a vote was taken. A majority of Members were in support of rejecting the application as there were no strong justifications or special circumstances to warrant special consideration by the Board in granting further EOT for commencement of development which was beyond the scope of Class B amendments. The approval of the application would also set an undesirable precedent for future similar applications. Moreover, Members generally considered that the rejection reason (b) in paragraph 8.1 of the Paper was not applicable as per discussion recorded above.

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

- “(a) the application is not in line with the Town Planning Board Guidelines No. 35C and 36B in that further extension of the validity of the planning permission would result in an aggregate extension period longer than the original duration for commencement of the approved development proposal. There are no strong justifications or special circumstances to warrant a departure from the said Guidelines; and
- (b) approval of the application will set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications

will defeat the purpose of time-limited condition.”

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

[A short break of 5 minutes was taken at this point.]

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

Kowloon District

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/775 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted Office, Shop and Services, and Eating Place Uses in “Other Specified Uses” annotated “Business” Zone, 132 Wai Yip Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/775A)

38. The Secretary reported that Ove Arup & Partners Hong Kong Limited (ARUP) was one of the consultants of the applicant. The following Members had declared interests on the item:

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

39. The Committee noted that Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting. As Messrs Alex T.H. Lai and Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

40. Ms Jessie K.P. Kwan, STP/K, drew Members' attention that a replacement page (page 16 of the Paper) with revision to approval condition (b) was tabled at the meeting for Members' reference. With the aid of a PowerPoint presentation, she presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) and building height (BH) restrictions for permitted office, shop and services, and eating place uses;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Development (SDEV) had given policy support to the application subject to its compliance with relevant requirements and departmental assessment on technical feasibility and planning considerations. The Commissioner for Transport (C for T) considered that there might be room for further enhancement in the proposed scheme on the provision of parking and loading/unloading facilities at the detailed design stage. The Head of Energizing Kowloon East Office (EKEO) advised that the setbacks would improve the pedestrian environment and promote walkability as advocated by his office. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered it unlikely that the proposed development with a BH of 120mPD would induce significant adverse effects on the visual character of the townscape. However, similar minor relaxations within the height band might weaken the BH transition from inland to the waterfront. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) during the statutory publication periods, a total of three opposing public comments were received from a then Kwun Tong District Council member and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed uses were in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone. The application site could be regarded as an eligible pre-1987 industrial building (IB) under government's policy on revitalising IBs and the Development Bureau had given policy support to the application in optimising utilisation of the existing industrial stock and making better use of the valuable land resources. The proposed minor relaxation of PR generally followed the policy on revitalisation of pre-1987 IBs and that the relaxation of BH (20%) sought was generally proportionate to the proposed relaxation of PR which could be tolerated. C for T had no in-principle objection to the application. CTP/UD&L, PlanD advised that while the proposed design measures did not necessarily require additional PR/BH, they represented the applicant's efforts in building design improvements. The Head of EKEO advised that the setbacks would improve the pedestrian environment and promote walkability. Other relevant government departments had no adverse comments on the application. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

[Mr Alex T.H. Lai left the meeting during the presentation session.]

41. In response to a Member's enquiry on whether the IBs located next to the subject IB were qualified for minor relaxation of development density, Ms Jessie K.P. Kwan, STP/K, clarified the eligibility criteria for the “Revitalisation of IBs Scheme 2018” (“the Scheme”) as follows:

- (a) only applicable to pre-1987 IBs;

- (b) individual applications had to be made to the Town Planning Board (the Board) within three years with effect from 10.10.2018; and
- (c) the Board might approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.

42. Ms Jessie K.P. Kwan further pointed out that not all IBs on the same street block of the application site were constructed before 1987 and of single ownership, and no planning application for minor relaxation of PR and/or BH restrictions involving these IBs had been received so far.

43. In response to a Member's enquiry on the bonus PR to be claimed under the full-height building setbacks from the lot boundary, Ms Jessie K.P. Kwan said that the applicant had confirmed that the proposed BH of 120mPD under the proposed scheme could be able to fully accommodate the proposed PR together with bonus PR, if any.

44. Noting that the application site was located within the height band of 100mPD, a Member asked whether there was any similar planning approval which exceeded the statutory height limit of 100mPD in the same area. In response, Ms Jessie K.P. Kwan replied that four similar applications for minor relaxation of BHR of 100mPD in Kwun Tong area had been approved by the Board with the relaxed BH ranging from 119.7mPD to 125.9mPD.

Deliberation Session

45. Given the small size of the application site, some Members were concerned that the scope to formulate a redevelopment scheme with planning and design merits was limited. They were also concerned about the cumulative effect of approving similar applications, particularly those sites in the vicinity of the application site that were small lots, which would result in buildings exceeding the planned BH profile and defeating the planned progressive increase of BH from the waterfront to inland in Kwun Tong area. One Member considered that site amalgamation, it would help prevent scattered and unorganized revitalization schemes.

46. After discussion, Members generally agreed that the application could be approved since it was in line with the policy to incentivize redevelopment of pre-1987 IBs in improving the urban environment. However, some Members raised concern on the effectiveness of the Revitalisation Scheme for Industrial Buildings in bringing about good redevelopment proposals and improvement to the urban environment, and suggested that Government could explore more feasible measures in reviewing the effectiveness of the Revitalisation Scheme. The Chairman remarked that the Revitalisation Scheme was a short-term measure for three years and its effectiveness would also depend on the actual implementation of the approved development schemes.

47. 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 3.1.2024, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission of updated Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage connection works identified in the updated Sewerage Impact Assessment in condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission of a revised Traffic Impact Assessment including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified in the revised Traffic Impact Assessment, to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) the provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.”

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

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

[Mr Mak Chung Hang, STP/K, was invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/261 Proposed Social Welfare Facility (Residential Care Home for the Elderly)
in "Residential (Group B)" Zone, 349 Prince Edward Road West,
Kowloon
(MPC Paper No. A/K10/261B)

Presentation and Question Sessions

49. Mr Mak Chung Hang, STP/K, drew Members' attention that three replacement pages (pages 7, 11 and 12 of the Paper) were tabled at the meeting for Members' reference. With the aid of a PowerPoint presentation, he presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed social welfare facility (residential care home for the elderly) (RCHE);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory publication periods, a total of 40 opposing public

comments were received from Owners' Corporations of nearby buildings and individuals (among them, one with 60 signatures and another one with eight signatures enclosed) and one from an individual expressing view. 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 assessment set out in paragraph 10 of the Paper. Whilst the proposed RCHE was not entirely in line with the planning intention of the “Residential (Group B)” (“R(B)”) zone in providing residential flats, it could provide residential care accommodation for the elderly which the Director of Social Welfare had confirmed that the demand was keen. The application site was located in an urban area occupied by medium-density residential developments interspersed with existing RCHEs, hospitals, medical facilities and institutional uses, and the proposed RCHE was considered not incompatible in land use terms. The proposed total PR and BH of the RCHE were well within the PR and BH restrictions stipulated under the “R(B)” zone. Other relevant government departments had no objection to or no adverse comment on the application. Regarding the adverse public comment, the comments of government departments and the planning assessments above were relevant.

50. Two Members raised the following questions:

- (a) the history and relationship of the application site and the adjoining four-storey building located to the immediate east of the application site;
- (b) comments of the Lands Department (LandsD) and Social Welfare Department (SWD);
- (c) whether any measure had been proposed by the applicant to mitigate the potential noise impacts; and
- (d) average unit size of the proposed RCHE.

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

- (a) the application site was vacant while the four-storey building for residential use was erected on the adjoining site after the demolition of a residential building straddling the two sites in the 1980s. The building on the adjoining site was currently occupied by three RCHEs the licenses of which had been issued by SWD since 1997, 1998 and 1999 respectively. The two sites were currently owned by two different owners;
- (b) the District Lands Officer/Kowloon West of the LandsD advised that the applicant had to demonstrate the carving out history of the parent lots of KIL 4011 and KIL 4168 in order to facilitate lease modification application for the subject development at a later stage;
- (c) the Director of Social Welfare had no objection to the application as the demand for subsidised residential care services for the elderly over the territory was keen. In addition, no part of the proposed RCHE should be situated at a height more than 24 metres above ground floor in accordance with section 20(1) of the Residential Care Homes (Elderly Persons) Regulation. According to the Environmental Assessment submitted by the applicant, a 0.5m vertical fin would be erected at the north-western corner of the proposed development as noise mitigation measures in meeting the relevant noise criteria; and
- (d) the average unit size of the proposed RHCE was about 11.5m², while the minimum area of floor space required for each resident in an RCHE was 6.5m² as stipulated in Schedule 2 of the Residential Care Homes (Elderly Persons) Regulation.

Deliberation Session

52. Members generally considered that the demand for RCHE was keen. While some Members considered that the application should be approved to meet the demand for RHCE, they were of the view that, given the narrow elongated shape of the site, the proposed scheme with the current layout design, which de facto would meet the bare minimum floor space requirement for RCHE, was not desirable and could not provide a quality living environment

for the elderly. There was concern on whether SWD's guidelines on the provision of RCHE could be improved.

53. A Member strongly opposed to the application as the current design of the proposed RCHE was not up to the standard nowadays and an approval of the application would contravene the purpose of the Town Planning Ordinance to promote the health, safety, convenience and general welfare of the community. The Member considered that the Government should be more proactive in facilitating quality provision of RCHE.

54. In terms of the provision of RCHE, the Chairman said that efforts had been made by the Government to incorporate the requirement for providing social welfare facilities, including RCHE, under the lease conditions in recent land sales sites. Meanwhile, the Policy Innovation and Co-ordination Office, which was responsible for rendering assistance in co-ordinating work for cross-bureaux policies as well as facilitating projects which required policy support and coordination, could assist. The Chairman concluded that the majority of Members had no objection to the application but were concerned that the proposed RCHE with the current design would not result in a quality living environment for the elderly. They considered that there was scope for further improvement in the design of the proposal and their views could be conveyed to SWD for consideration in the processing of the relevant licence for the subject RCHE. Members agreed.

55. 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 3.1.2024, 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 of an updated Noise Impact Assessment and the implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/K18/332 Proposed Religious Institution (Taoist Temple) in “Residential (Group C)
1” Zone, 5 Rutland Quadrant, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/332A)

57. The Committee noted that the application was withdrawn by the applicant after issue of the relevant Paper.

Agenda Item 10

Any Other Business

58. There being no other business, the meeting closed at 12:45 p.m..