

TOWN PLANNING BOARD

Minutes of 650th Meeting of the Metro Planning Committee held at 9:00 a.m. on 12.6.2020

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Wilson Y.W. Fung

Vice-chairman

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

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

Dr Roger C.K. Chan

Mr C.H. Tse

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Tony K.T. Yau

Chief Engineer (Works), Home Affairs Department
Mr Gavin C.T. Tse

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
Ms Caroline T.Y. Tang

Town Planner/Town Planning Board
Mr Terence H.Y. Sit

Opening Remarks

1. The Chairman said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

Confirmation of the Draft Minutes of the 649th MPC Meeting held on 29.5.2020

[Open Meeting]

2. The draft minutes of the 649th MPC meeting held on 29.5.2020 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/K22/4

Application for Amendment to the Approved Kai Tak Outline Zoning Plan No. S/K22/6, To rezone the application sites from “Open Space” and “Open Space (2)” to four sub-areas of “Other Specified Uses” annotated “Waterfront Related Commercial, Recreational and Leisure Uses” Zone, four pieces of Government Land at the waterfront of Kai Tak Development, Kowloon
(MPC Paper No. Y/K22/4A)

4. The Committee noted that the applicant requested on 22.5.2020 deferment of consideration of the application for two months in order to allow time for preparation of further information 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 further information in response to departmental comments.

5. 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 three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment and a total of four months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[Mr Clement Miu, 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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/260 Proposed Amendment to the Approved Master Layout Plan in
 “Comprehensive Development Area” Zone, The Former Marine Police
 Headquarters Site, Junction of Canton Road and Salisbury Road, Tsim
 Sha Tsui, Kowloon

 (MPC Paper No. A/K1/260)

6. The Secretary reported that the application site (the Site) was located in Tsim Sha Tsui and the application was submitted by Flying Snow Limited, which was a subsidiary of CK Hutchison Holdings Limited (CKHH). Kenneth To & Associates Limited (KTA) was one of the consultants of the applicant. The following Members had declared interests on the item:

- Mr Alex T.H. Lai - his former firm had business dealings with CKHH;

- Mr Daniel K.S. Lau - being an ex-employee of the Hong Kong Housing Society which had current business dealings with KTA; and

- Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Tsim Sha Shui.

7. The Committee noted that Mr Alex T.H. Lai had not yet arrived at the meeting. As Mr Daniel K.S. Lau had no involvement in the application and the properties owned by the company of Mr Stanley T.S. Choi’s spouse had no direct view of the Site, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

8. With the aid of a PowerPoint presentation, Mr Clement Miu, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed amendment to the approved master layout plan (MLP);
- (c) departmental comments were set out in paragraph 9 and Appendix II of the Paper;
- (d) during the first three weeks of the statutory publication periods, 25 objecting comments from individuals were received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application was to seek planning permission for proposed amendment to the approved MLP for the removal of the cylindrical planter structure, following the collapse of Tree T54 due to the strike of typhoon Mangkhut in 2018. As compared with the latest MLP (application No. A/K1/206) approved in 2005, the current scheme only involved the removal of the cylindrical planter structure and there was no change to the approved development parameters. The cylindrical planter structure was not a heritage item and the proposed removal of the structure would not affect the historic buildings at the Site and the pedestrian circulation. Yet, the proposed removal would require permission from the Antiquities and Monuments Office (AMO) and compliance with the requirements of the Environmental Impact Assessment Ordinance (EIAO). Relevant government bureaux/departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

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

The Site and its History of Heritage Preservation

9. Some Members raised the following questions:
 - (a) the topography and site context in the past;
 - (b) details of transformation of the Site into the ‘1881 Heritage’;
 - (c) the current site formation level; and
 - (d) the programme arranged by the applicant for the public to appreciate the historic value of the site.

10. In response, Mr Clement Miu, STP/TWK, made the following main points:
 - (a) the Site used to be a knoll in the past facing the Victoria Harbour to the south. The knoll was at a level of about +14.5mPD. The Former Marine Police Headquarters (FMPHQ) was completed in 1884 and was occupied by the Marine Police until 1996. The FMPHQ and its compounds, including the Main Building, the Stable Block, the Signal Tower (commonly known as the Round House), the Accommodation Block of the Former Fire Station and the open area were declared a monument in 1994 under the Antiquities and Monuments Ordinance. The Main Block of the Former Fire Station was graded as a Grade II historic building in 2009;
 - (b) to preserve the historic buildings and to make good use of the potential of the Site, the Government explored the development options for the Site in the early 1990’s. The Site was rezoned to “Comprehensive Development Area” (“CDA”) on the Tsim Sha Tsui Outline Zoning Plan in 1993. Subsequently, PlanD commissioned the “Study on the Development Opportunities of the FMPHQ Site in Tsim Sha Tsui” in 1999, with an aim

to formulate practicable options to take forward the preservation-cum-development project. The study was completed in 2001 and its recommendations were incorporated in the Planning Brief endorsed by the Town Planning Board (the Board) in 2002. The Planning Brief set out the planning parameters and development requirements for the Site to guide the preparation of a MLP for its future development. The Government then issued a tender inviting proposals for preservation, restoration and conservation of the Site into a tourism-themed development. The tender was awarded to the applicant in 2003, with the latest MLP approved by the Board in 2005. The development was completed in 2009 and the Site was renamed '1881 Heritage';

- (c) site formation was carried out during the construction of the '1881 Heritage'. A substantial portion of the previous knoll was lowered to the present ground level of +3.5mPD (i.e. the current level of the plaza area on G/F); and
- (d) the Signal Tower and an exhibition hall at G/F showcasing the history of the Site were open to the public. In addition, guided tours were organised by the applicant on a daily basis to facilitate the public to appreciate the historic value of the site.

Tree T54 and Preservation of Existing Trees

11. Some Members raised the following questions:
- (a) information of Tree T54 and its previous growing conditions;
 - (b) whether the Government had set out any requirement for preserving Tree T54 and other existing trees within the Site;
 - (c) how long it would take for growing a tree similar to the size of Tree T54; and

- (d) the mechanism governing preservation of existing trees within the Site by the applicant.

12. In response, Mr Clement Miu, STP/TWK, made the following main points:

- (a) Tree T54 was a banyan tree but there was no information as to whether the tree was a native tree or was planted at that spot. The tree was surrounded by barracks in the past but the tree roots then were in healthy condition. The top soil level of the existing cylindrical planter structure was the same level as that of the former knoll at about +14.5mPD. The intention of keeping the same level was to preserve Tree T54 in-situ;
- (b) there was a requirement to preserve the existing trees within the Site as much as possible under the endorsed Planning Brief. There was also a 'preservation of trees' clause under the lease which specifically required the retention of Tree T66/T67 at the south-western corner of the Site. Although Tree T54 was not registered as an Old and Valuable Tree, the preservation of Tree T54 was proposed by the applicant at the tender submission stage for the revitalisation project. It was understood that preservation of individual trees were based on considerations including the health conditions, degree of visual amenity and level of representation of the trees at the FMPHQ site;
- (c) given that Tree T54 was originally growing on a natural terrain, it would be difficult to assess how long it would take for a new tree to be accommodated in the cylindrical planter structure to grow into a comparable size of Tree T54 as the growing conditions were different; and
- (d) regarding the applicant's responsibility in maintaining the trees within the Site, the applicant was required to prepare monitoring reports on a weekly, monthly and yearly basis. Also, the applicant had formed an emergency team to handle emergent incidents concerning the trees within the Site.

Collapse of Tree T54 and Possible Remedial Actions

13. The Chairman and some Members raised the following questions:
- (a) measures taken and efforts made by the applicant to save Tree T54 after its collapse, the rationale for emergent removal of the tree and whether consents from the Lands Department (LandsD) and AMO were obtained before the removal;
 - (b) any follow-up actions taken by the applicant with LandsD under the lease;
 - (c) other than the comments from the applicant's tree experts, whether any Government's experts had made assessment on the incident;
 - (d) whether the applicant had provided any assessment on whether the cylindrical planter structure had led to the weakening of Tree T54, which ultimately caused its toppling over during the 2018 typhoon; and
 - (e) whether the applicant had explored the option of enlarging the current planter for planting a sizable tree as one of the remedial options.
14. In response, Mr Clement Miu, STP/TWK, made the following main points:
- (a) when Tree T54 collapsed in September 2018, the applicant immediately informed LandsD. Despite LandsD's advice that every effort should be made to save the tree, upon inspection by the tree experts and Certified Arborists appointed by the applicant, it was concluded that the tree had undergone catastrophic damage and was posing potential danger to the public in the surrounding open space, and therefore the tree was eventually removed. That arrangement was in line with the Emergency Tree Felling requirements under the relevant Practice Note administered by LandsD;
 - (b) if the planning application was approved by the Board, the applicant was required to apply for consent under lease for alterations to the Concept

Plans and the MLPs (as defined in the lease) to implement the proposed removal of the cylindrical planter structure. Given the cylindrical planter structure was located within the boundary of the declared monument of FMPHQ, a permit from the Antiquities Authority was required for the proposed removal works. The applicant would also need to submit updated Environmental Permit (EP) submissions including an updated Landscape Mitigation and Tree Preservation Proposal for Environmental Protection Department's (EPD's) approval under the EIAO with regard to the proposed works;

- (c) after the collapse of Tree T54, LandsD had conducted an inspection and was informed by the applicant's tree experts that the tree had undergone catastrophic damage and was posing potential danger to the public in the surrounding open space. In addition, Government's experts were involved in the on-going follow-up works regarding suitable remedial measures after the collapse of the tree;
- (d) in comparison with other existing trees on site (e.g. Trees T10, T65 and T96) with similar preservation approach (i.e. planted within cylindrical planter structures), the soil width for Tree T54 was the least. It should be noted that each planter was tailor-made according to the specific rootball of each tree. According to the applicant's tree experts, the collapse of Tree T54 was due to the damage caused by the strong wind. It was revealed from the site photos attached to the Planning Statement that the root plate was lifted and the roots were subject to significant damage; and
- (e) the option of enlarging the current planter was not included in the applicant's submission. According to the current proposal, the public plaza was currently open daily for public enjoyment. Removal of the planter would increase the usable plaza area from 914m² to 1,320m² (+44%). To ensure a proper landscape treatment of the area, the applicant would provide vertical greening on the side of the nearby lift shaft and shrub planting at the plaza level. An approval condition was recommended to monitor the design and implementation of the landscape

proposal.

Proposed Removal of the Cylindrical Planter Structure

15. The Vice-chairman and some Members raised the following questions:
- (a) how the cylindrical planter structure was assessed in terms of its impact on visual openness under the approved MLP;
 - (b) since the intention of keeping Tree T54 in-situ was to mark the past topographical level of the knoll, whether AMO had any views on that aspect;
 - (c) whether assessment was made on pedestrian patronage (in particular the patronage of the cantilevered staircase circumscribing the planter structure);
 - (d) whether assessment was made on the visual significance and possible visual connection between Tree T54 and the surrounding buildings/trees; and
 - (e) having noted that the cylindrical planter structure had performed the function of preserving the trees, and that the planter seemed to be one of the design features of the Site, whether the overall design concept of the Site would be undermined if no tree would be planted on the planter.
16. In response, Mr Clement Miu, STP/TWK, made the following main points:
- (a) the retention of Tree T54 was to provide a visual anchor for the Site, since the location of Tree T54 was right at the south of the Main Building, and was at a prominent location visible from both Canton Road and Salisbury Road. Yet, after the removal of Tree T54, the applicant proposed to take the opportunity to open up the plaza and enhance the visual openness of the Site by removal of the cylindrical planter structure;

- (b) AMO had no objection in-principle to the proposed removal of the planter as it was not a heritage item and the historic buildings at the Site would not be affected. AMO had not indicated the historic significance of the knoll in the past;
- (c) the function of the cylindrical planter structure was for preserving Tree T54 while the staircase along the circumference of the planter was rarely used by the public since there were other pedestrian routes leading to the Signal Tower. Removing the cylindrical planter structure would not have major impacts on pedestrian circulation of the Site;
- (d) removal of the cylindrical planter structure would enhance visual access to the façade of the heritage building from Salisbury Road and open up views from Canton Road. When viewed from the Star Ferry Pier Bus Terminus, Tree T54 and the Signal Tower would be largely obscured by Tree T66/T67 growing on the retaining wall at the south-western corner of the Site. Removal of the cylindrical planter structure would not affect the visual quality from that viewpoint; and
- (e) given that the cylindrical planter structure was specifically designed to cater for the specific conditions of Tree T54, it might not be meaningful to keep the planter as the tree was already removed.

Statutory Procedures and Requirements

17. Some Members raised the following questions:
- (a) why planning permission was required for the proposal;
 - (b) whether there were any particular requirements for preserving Tree T54 under the landscape proposal of the approved MLP;
 - (c) the relevant control on tree felling, compensatory planting or landscaping

for the 1881 development;

- (d) details of the tree preservation clause under the lease; and
- (e) given the status of a declared monument, other than LandsD's approval, whether there were other Government's approvals that needed to be sought before commencement of the planter removal works.

18. In response, Mr Clement Miu, STP/TWK, made the following main points:

- (a) the Site, which was zoned "CDA", was covered by a MLP approved by the Board. The approved MLP was also deposited in the Lands Registry for public inspection. The current proposal of removing the cylindrical planter structure from the Site involved an amendment to the approved MLP. As such, the applicant submitted a section 16 application to seek the Board's approval for the removal works. It should be noted that other than the removal of the cylindrical planter structure, there was no other change to the approved MLP;
- (b) the preservation of Tree T54 was proposed by the applicant during the tender submission stage taking into account the particular merits of the tree. The landscape proposal under the approved MLP was generally in line with the applicant's proposal under the tender submission;
- (c) landscaping works including tree felling was monitored by LandsD under the lease. The applicant would need to apply for consent under lease for alterations to the Concept Plans and the MLPs (as defined in the lease) to implement the proposed removal of the cylindrical planter structure. As to whether a new tree would need to be planted at the same spot would depend on the follow-up discussion between the applicant and the LandsD. Provision of compensatory tree or replanting were possible conditions that could be imposed by LandsD. Besides, a planning approval condition on landscaping had been recommended for monitoring the provision of landscape treatment should the current application be approved;

- (d) according to the 'preservation of trees' clause under the lease, no tree growing on the Site should be removed or interfered with without the prior written consent of the Director of Lands who might, in granting consent, impose such conditions as to transplanting, compensatory landscaping or replanting as he might deem appropriate; and
- (e) given that the cylindrical planter structure was located within the boundary of a declared monument, its removal works required permission from the AMO. Besides, the applicant would also need to submit updated EP submissions including an updated Landscape Mitigation and Tree Preservation Proposal for EPD's approval under the EIAO.

19. In response to a question on the possible land premium implication in relation to the current proposal, Mr Simon S.W. Wang, Assistant Director (Regional 1), LandsD, explained that in general, if a MLP was incorporated under lease, LandsD might consider charging premium for any subsequent amendments, depending on the specific conditions as stated in the lease. As stated in paragraph 9.1.1 (b) of the Paper, an application for amendment to the Concept Plans and to MLPs as defined in the concerned lease would be subject to such terms and conditions including payment of premium and administrative fee as might be imposed by LandsD.

[Dr Frankie W.C. Yeung arrived to join and Mr Stanley T.S. Choi left the meeting during the Question and Answer Session.]

Deliberation Session

20. The Chairman remarked that the deliberation of the current application should focus on the amendment to the approved MLP as proposed by the applicant, i.e. the proposed removal of the cylindrical planter structure. As for the issues in relation to the overall preservation of the heritage site as well as tree management/remedial works, they should be administrated by relevant bureaux/departments under their respective purview. Also, as observed by some Members, the incident of the collapse of Tree T54 had demonstrated the need to update and enhance the Government's current practice in tree preservation.

21. Members in general did not support the application as the proposal of removing the cylindrical planter structure would defeat the original intention of preserving Tree T54 in-situ signifying, to a certain extent, that there used to be a knoll at the subject historic site overseeing the Victoria Harbour. Retention of the planter would help preserve the public's collective memory associated with the past topographical setting and it was a vital element to guide the understanding on the history of the Site. Although the topography of the Site had been completely modified, removing the planter would further disrupt the ambience of the historic site. Members also noted that while Tree T54 was damaged by the typhoon, the applicant failed to demonstrate that efforts had been made to save the tree. A Member was critical of the underlying cause, including confining the tree roots to the planter, that might have contributed to the death of Tree T54.

22. With regard to the possible remedial options, Members were not convinced by the applicant's assessment that planting a new tree, albeit be it a smaller one, at the existing cylindrical planter structure was undesirable. In contrast, planting a new tree would help maintain the historical ambience of the Site and was in line with the obligations of the landowner in maintaining the landscape as set out under the lease.

23. A Member considered that from aesthetic point of view, the option of removing the unsightly planter might have the merits of providing a more spacious public open space at the G/F plaza and improving the visual openness of the Site. Yet, given the association of the cylindrical planter structure with the historical significance of the Site, the aesthetic merits should be given less weight in considering the applicant's proposal.

24. A Member opined that since the original planter area was accessible to the public, the new proposal, be it involving the removal or retention of the planter structure, should be comparable in terms of both the quality and function of the public open space. Another Member considered that the removal of the planter was not unacceptable given that the original knoll had already been completely modified, but there was no strong justification to support the current proposal. Some Members considered that the retention of the cylindrical planter structure would be a pre-requisite to any alternative uses of the area for public enjoyment. Another Member expressed that the proposed removal of the planter structure could not be supported before the applicant had reached an agreement with LandsD under the lease on the remedy regarding the collapse of Tree T54. Members were of the view that the

applicant should consider alternative use of the cylindrical planter structure and provide compensatory planting/landscape proposals, and other options, in addition to planting of a new tree, that could bring about a wider public interest should also be explored, e.g. providing more planting area for public enjoyment and accommodating additional facilities to enhance the public's appreciation of the historic site.

25. The Chairman suggested and Members agreed that the reason for rejecting the application, as set out in the Paper, should be suitably revised to reflect Members' concerns on the significance of heritage preservation of the subject site.

26. After deliberation, the Committee decided to reject the application. The reason was:

“the applicant fails to demonstrate that the proposed removal of the cylindrical planter structure will not adversely affect the historic ambience of the site as a declared monument. There is no strong planning justification to support the proposed amendment to the approved master layout plan.”

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K5/818 Proposed Religious Institution (Church) in “Residential (Group A) 6”
Zone, Shop Nos. 5 to 8, G/F, Parkone, 1 Nam Cheong Street, Sham Shui
Po, Kowloon
(MPC Paper No. A/K5/818)

27. The Committee noted that the applicant's representative requested on 1.6.2020 deferment of 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.

28. 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 submission of further information, and no further deferment would be granted unless under very special circumstances.

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/465 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Industrial Use in "Industrial" Zone, No. 22 Yip Shing Street, Kwai Chung, New Territories
(MPC Paper No. A/KC/465C)

29. The Secretary reported that Llewelyn-Davies Hong Kong Ltd. (LD) was one of the consultants of the applicant. Mr Thomas O.S. Ho had declared an interest on the item for having past business dealings with LD.

30. As Mr Thomas O.S. Ho had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

31. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/TWK,

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

- (a) background to the application;
- (b) proposed minor relaxation of plot ratio restriction for permitted industrial use;
- (c) departmental comments were set out in paragraph 9 and Appendix III of the Paper;
- (d) during the first three weeks of the statutory publication periods, three public comments from an individual raising concerns on the application were received. 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 proposed development was generally in line with the planning intention of the “Industrial” zone. As the existing 4-storey building was wholesale-converted for ‘shop and services’ and ‘eating place’ uses in 2019, the Secretary for Development (SDEV) advised that the present industrial building revitalisation policy was not applicable to the subject building. Nevertheless, taking into account no adverse impacts on infrastructure/technical aspects and the planning/design merits brought by the proposed development, SDEV was in support of the current application from site optimising perspective. The Director-General of Trade and Industry (DG of TI) considered that the application was in line with the planning intention and would help ensure an adequate supply of industrial floor space in the area. On planning and design merits, the Chief Town Planner/Urban Design and Landscape, PlanD considered that the proposed design measures, including voluntary building setback, weather protection canopy, communal podium garden, vertical greening and other landscape treatments, represented the applicant’s effort in promoting visual interest and improving the pedestrian environment. Relevant government

departments had no objection to or no adverse comment on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

32. Some Members raised the following questions:
- (a) the validity of the existing special waiver issued by the Lands Department (LandsD);
 - (b) noting that the site was small, whether the proposed building setback was a statutory requirement; and
 - (c) the proposed use on basement floors.
33. Mr Stephen C.Y. Chan, STP/TWK, made the following responses:
- (a) the proposed development under the current application was for industrial use. Should the application be approved, the applicant would need to terminate the executed special waiver for 'shop and services' and 'eating place' uses in order to take forward the proposed development;
 - (b) the application site was relatively small as compared with other similar applications. The building setback was proposed by the applicant voluntarily; and
 - (c) the two basement levels were mainly for the provision of parking and loading/unloading facilities.
34. Members noted that with reference to Appendix II of the Paper, the similar application with the smallest site was in Mong Kok which involved a site area of about 387m².
35. In response to a Member's enquiry, Mr Simon S.W. Wang, Assistant Director (Regional 1), LandsD, explained that the 'industrial use' in planning terms covered a wide

range of uses and some might constitute a breach of the lease conditions. If the proposed development was intended for such “modern industrial uses” which were not permitted under the existing lease conditions, the applicant would need to apply for a lease modification.

Deliberation Session

36. The Chairman remarked that whilst SDEV had advised that the policy on revitalisation of pre-1987 industrial buildings was not applicable to the subject application, both SDEV and DG of TI had rendered support to the application from site optimisation and industrial land supply perspectives respectively. In assessing the application, Members might consider the merits of the development proposal and whether there were sufficient grounds to support the subject application.

37. A Member was concerned that approval of the subject application would set a precedent for other similar applications given that there was currently no clear government’s policy on increasing the supply of industrial land in general. Another Member was of the view that should there be such a policy initiative, it could be reflected on the relevant outline zoning plans and hence submission of individual planning application to the Board would not be necessary. Another Member considered that it was worthwhile for the Government to consider review of the relevant policy.

38. Some Members considered that the application could be approved as the proposal, which could help address the long-term shortfall of industrial space in the area, was supported by SDEV and DG of TI, the technical feasibility of the proposed development was confirmed, relevant government departments had no adverse comments on the application, and there were various planning and design merits proposed by the applicant.

39. 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 12.6.2024, 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 parking facilities, loading/unloading spaces and

vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;

- (b) the design and implementation of traffic measures as proposed by the applicant prior to occupation of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of an updated Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment in condition (c) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the site to the satisfaction of Director of Environmental Protection or of the TPB.”

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

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/KC/468

Proposed Shop and Services and Office (Wholesale Conversion of an Existing Industrial Building) in “Industrial” Zone, Valid Industrial Centre, 13-15 Wing Kei Road, Kwai Chung, New Territories
(MPC Paper No. A/KC/468)

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

- Mr Thomas O.S. Ho - having current business dealings with MVA; and
- Mr Alex T.H. Lai - his former firm had business dealings with MVA.

42. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Alex T.H. Lai 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.

43. The Committee noted that the applicant's representative requested on 19.5.2020 deferment of 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.

44. 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 submission of further information, and no further deferment would be granted unless under very special circumstances.

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/516 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Industrial Use in “Industrial” Zone, 24-32 Fui Yiu Kok Street, Tsuen Wan, New Territories
(MPC Paper No. A/TW/516)

45. The Secretary reported that the application site was located in Tsuen Wan and Ove Arup & Partners Hong Kong Limited (ARUP) and R Lee Architects (HK) Limited (RLA) were the two consultants of the applicant. The following Members had declared interests on the item:

- Mr Thomas O.S. Ho - having current business dealings with ARUP;
- Mr Alex T.H. Lai - his former firm had business dealings with ARUP and RLA;
- 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.

46. The Committee noted that Messrs Thomas O.S. Ho, Alex T.H. Lai and Stanley T.S. Choi had already left 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.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed minor relaxation of plot ratio (PR) restriction for permitted industrial use;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication periods, a total of 19 public comments were received, including 11 supporting comments from individuals and eight objecting comments from the representative of Indi Home Owners' Corporation and individuals. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was generally in line with the planning intention of the “Industrial” zone in Tsuen Wan East Industrial Area. The proposed minor relaxation of PR was generally in line with the policy on revitalisation of pre-1987 industrial buildings. On planning and design merits, the Chief Town Planner/Urban Design and Landscape, PlanD considered that the proposed design measures, including voluntary building setback, low podium design, vertical greening and other landscape treatments, would enhance the pedestrian environment. No insurmountable traffic and environmental impacts were anticipated. Relevant government departments had no objection to or no adverse comment on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

[Dr Frankie W.C. Yeung left the meeting at this point.]

48. Some Members raised the following questions:

- (a) the proposed building setback; and whether it was required under the relevant outline development plan (ODP);

- (b) the preference of proposing vertical greening at lower level or higher level;
- (c) whether submission of detailed information on the proposed vertical greening was required; and
- (d) whether approval condition on landscape proposal would be imposed should the application be approved.

49. Mr K.S. Ng, STP/TWK, made the following responses:

- (a) a full-height building setback of 1m wide fronting Fui Yiu Kok Street was proposed by the applicant on a voluntary basis, which was not a requirement under ODP or other relevant government regulations;
- (b) for the purpose of enhancing pedestrian environment, the vertical greening provided at lower floors would be more effective than that proposed at upper floors;
- (c) detailed information on the proprietary vertical greening system was submitted by the applicant. Such details were usually not included in the submissions of other similar applications; and
- (d) whilst an approval condition on landscaping was considered not necessary for the subject application in view of the site context (e.g. with limited public frontage), the proposed landscape treatment should be incorporated into the building plan submission in future, as appropriate. In addition, an advisory clause reminding the applicant of its responsibility to take care of proper maintenance of the vertical greening measure was recommended;

Deliberation Session

50. A Member supported the application and welcomed the applicant's submission of detailed information on the proposed vertical greening system for Members' consideration. Members generally considered that the application could be supported as it was in line with

the relevant requirements, including the technical feasibility and planning considerations, under the policy on revitalisation of pre-1987 industrial buildings, and the proposed design measures, including the voluntary full-height setback and vertical greening at low levels, could be considered as public gains.

51. The Member, who earlier expressed appreciation of the applicant's submission of detailed proposal of the vertical greening measure, considered that such information could facilitate consideration of the technical feasibility of the vertical greening proposal, while demonstrating the practicality of its future maintenance upon implementation. It might be worth considering whether such information should be submitted for other similar applications. Another Member, however, remarked that the Board should not look into the detailed implementation mechanism. Besides, as there were different types of such installation in the market, flexibility should be allowed for the project proponent to confirm the appropriate type of installation at the detailed design and building plan submission stages. The technical details should be scrutinised and accepted by the relevant government departments in future. The Chairman remarked that applicants of future similar applications could be requested to provide more information on vertical greening measure for Members' information.

52. Given the Member's concern on the implementation and maintenance of the proposed vertical green wall, the Committee then went on to discuss whether a landscape condition should be imposed, should the application be approved. In view that the site was not located along a major road and the public frontage was rather limited, and a detailed landscape proposal including vertical greening had already been submitted, Members agreed that a landscape condition was not necessary for the subject application and the advisory clause sufficed in reminding the applicants of their long-term responsibility to provide proper maintenance of the vertical greening measure.

53. 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 12.6.2024, 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 parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of an updated Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works as identified in the updated Sewerage Impact Assessment for the proposed development in condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.”

54. 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 K.S. Ng, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

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

Kowloon District

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/785 Proposed Shop and Services (Money Exchange) in “Other Specified Uses” annotated “Business” Zone, Workshop No. 2, G/F, Crown Industrial Building, 106 How Ming Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/785)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed shop and services (money exchange);
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The applied use at the Premises was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and compatible with the changing land use character of the area. The applied use complied with the Town Planning Board Guidelines No. 22D in that it would not induce adverse fire safety and environmental impacts on the uses within the subject building and the adjacent areas. Relevant government departments had no objection to or no adverse comment on the application. The aggregate commercial floor area would be about 36.52m², which was within the maximum permissible limit of 460m² for an industrial building with a sprinkler system. As the shop and services use had been in operation on the premises and the previous planning permissions granted were revoked twice, a shorter compliance period for the approval condition under the current application was recommended. No time clause for commencement of development was proposed as the applied use was already in operation.

56. Members had no question on the application.

Deliberation Session

57. 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 of a proposal on the fire safety measures within three months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2020;
- (b) in relation to (a) above, the implementation of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 12.12.2020; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified dates, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K14/786

Proposed Wholesale Conversion of an Existing Industrial Building for ‘Hotel (Guesthouse)’ with ‘Shop and Services’ and Other Uses (including Place of Recreation, Sports or Culture/Art Studio/Audio-visual Recording Studio/Design and Media Production/Research, Design and Development Centre) in “Other Specified Uses” annotated “Business” Zone, 86 Hung To Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/786)

59. The Committee noted that the applicants' representative requested on 27.5.2020 deferment of consideration of the application for two months in order to allow time for preparation of further information to address comments from the Transport Department. It was the first time that the applicants requested deferment of the application.

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

Agenda Item 11

Any Other Business

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