

TOWN PLANNING BOARD

Minutes of 655th Meeting of the Metro Planning Committee held at 9:00 a.m. on 4.9.2020

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

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

Secretary

Absent with Apologies

Mr Stanley T.S. Choi

In Attendance

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

Chief Town Planner/Town Planning Board
Ms April K.Y. Kun

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

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 653rd MPC Meeting held on 21.8.2020

[Open Meeting]

2. The draft minutes of the 653rd MPC meeting held on 21.8.2020 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 (Presentation and Question Sessions only)]

Y/K9/13 Application for Amendment to the Approved Hung Hom Outline
Zoning Plan No. S/K9/26, to rezone the application site from
“Residential (Group A) 4” to “Residential (Group A) 7”, 34-42B Baker
Street, Hung Hom, Kowloon
(MPC Paper No. Y/K9/13)

4. The Secretary reported that the application was for rezoning the application site to “Residential (Group A)7” (“R(A)7”) for columbarium development and the application site was located in Hung Hom. Cham & Co. Solicitors (CCS) was the consultant of the applicant. The following Members had declared interests on the item:

- Mr Alex T.H. Lai - his former firm had business dealings with CCS and being the legal advisor of the Private Columbaria Licensing Board (PCLB); and
- Mr Stanley T.S. Choi - owning a property in Hung Hom.

5. The Committee noted that Mr Stanley T.S. Choi had tendered an apology for being unable to attend the meeting. As Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that he could stay in the meeting.

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

PlanD’s Representatives

- Ms Johanna W.Y. Cheng - District Planning Officer/Kowloon (DPO/K)
- Mr Mak Chung Hang - Senior Town Planner/Kowloon (STP/K)

Applicant’s Representatives

- Mr Lai Chi Kwok - the Applicant

Mr Previn Charm]	
]	
Ms Joyce Lee]	
]	Applicant's representatives
Mr S.L. Ng]	
]	
Mr Tammy Chan Yiu]	
Keung		

Presentation and Question Sessions

7. The Chairman invited PlanD's representative to brief Members on the background of the application.

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

- (a) background to the application;
- (b) the proposed amendment to the approved Hung Hom Outline Zoning Plan (OZP) to rezone the application site from "Residential (Group A) 4" ("R(A)4") to "R(A)7";
- (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 129 public comments were received, including 128 objecting comments from 28 occupants of the subject building, the Owners' Corporation (OC) of Wah Lai Building and individuals, and one comment expressing concern from an individual. Major views were set out in paragraph 10 of the Paper; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The application site (the Site) was situated within a residential cluster and rezoning of the Site to

“R(A)7” with ‘Columbarium’ as a Column 2 use was not appropriate as columbarium use was incompatible with residential use within the subject building and in the neighbourhood. The Consultancy Study commissioned by the Kowloon City District Urban Renewal Forum identified that clusters of funeral and related businesses along Winslow Street and Gillies Avenue South created nuisance to the nearby residents and the public generally requested the relocation of the funeral and related businesses away from Hung Hom. The Commissioner for Transport (C for T) had adverse comments on the Traffic Impact Assessment (TIA) and considered that the applicant had failed to demonstrate that the proposed rezoning would not create adverse traffic impacts. The approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such applications would result in aggravation of the land use conflict/incompatibility with the residential area. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

9. The Chairman then invited the applicant’s representatives to elaborate on the application. Ms Joyce Lee, the applicant’s representative requested to table a set of documents which would be covered in her oral presentation. The Committee agreed that the set of documents could be tabled for Members’ reference but the Chairman stressed that tabling of materials at the meeting was not encouraged.

10. With the aid of a PowerPoint presentation, Ms Joyce Lee, the applicant’s representative, made the following points :

- (a) the columbarium at the Site started operation since 2004 and currently had 306 niches, with 91 being occupied and 215 vacant. The subject premises could only accommodate a maximum of 30 persons. All occupied niches were only rented to customers pending allocation of government niches of the deceased;
- (b) only one incense burner was provided and there was no joss paper furnace at the premises. The Director of Environmental Protection had no

objection to the application;

- (c) there was no complaint received from government departments on adverse traffic impact since operation of the columbarium. The Commissioner of Police had pointed out that due to the recent reduction in the number of private columbaria in the area, the traffic impact of columbaria businesses was reducing. The subject columbarium was well-served by public transport. There were sufficient parking spaces in the area and most visitors would visit the Site on foot/by public transport. Even during Ching Ming Festival and Chung Yeung Festival, columbaria in Hung Hom area had not caused special police or crowd management concern. Further TIA would be submitted during the section 16 application stage;
- (d) 116 out of 128 objecting public comments were submitted in the form of standard letter and points made therein were not applicable to the subject columbarium. With regard to the concern that the columbarium would interfere with the redevelopment in the area, it was noted that there was no clear redevelopment programme of the subject building. Also, further measures would be proposed to address the public concerns during the section 16 application stage;
- (e) the planning intention of “R(A)” zone was not purely for residential use and uses benefiting residents were allowed under the Notes of the OZP. The columbarium could provide service to the public, including residents nearby, on a rental basis;
- (f) the Court of First Instance had recently handed down a judgment ruling that each individual application would have to be so assessed based on its merits by reference to the relevant factors against the facts as presented at that time of application. In concluding that the subject application would constitute an undesirable precedent as suggested by PlanD, there was a need to demonstrate that the present rezoning application was similar to other applications that might follow; and approving the application would provide a strong basis to require the Town Planning Board (the Board) to

approve subsequent similar applications;

- (g) the applicant considered that the subject columbarium was different from other columbaria in the area as it was for temporary storage of niches on a rental basis, the scale of the columbarium was small with minimal impacts and it was the only columbarium on Baker Street; and
- (h) approving the application would set a good precedent for columbarium businesses in the area as it allowed further regulation and control through section 16 application.

11. In response to the Chairman's enquiry on the nature of application, Ms Johanna W.Y. Cheng, DPO/K, explained that the application was to rezone the entire Site at 34-42B Baker Street covering the Loong Wah Building, where the subject columbarium was located at shop nos. 4 and 5 of the building, from "R(A)4" to "R(A)7" zone on the OZP with 'Columbarium' included as a Column 2 use that was subject to planning permission from the Board. The applicant did not propose amendments to other development restrictions stipulated under the extant "R(A)4" zone, i.e. plot ratio (PR) restriction of 7.5 for a domestic building and 9.0 for a building that was partly domestic and partly non-domestic with PR for the domestic part not exceeding 7.5, and building height (BH) restriction of 80mPD or 100mPD (for sites with an area of 400m² or more).

12. The Chairman then invited questions from Members.

[Dr Frankie W.C. Yeung joined the meeting during the question and answer session.]

13. The Chairman and some Members raised the following questions:

- (a) whether the public comment submitted by an OC was from the subject building;
- (b) details of public comments from residents of the subject building;

- (c) whether public comments were conveyed to the applicant;
- (d) any shortage of niches in the territory;
- (e) whether the applicant could apply for rezoning part of the building to cover only the two subject premises;
- (f) differences between temporary and permanent niches for a columbarium;
- (g) implications of the Private Columbaria Ordinance (PCO) on the current application;
- (h) whether the development restrictions would be revised and any implications on redevelopment of the building if the Site was rezoned to “R(A)7”; and
- (i) the current status and distribution of the 27 private columbaria in Hung Hom under Part B of the List of Information of Private Columbaria as mentioned in paragraph 4.1 of the Paper.

14. In response, Ms Johanna W.Y. Cheng, DPO/K, made the following main points:

- (a) the concerned public comment was submitted by the OC of a nearby building (Wah Lai Building);
- (b) there were 28 public comments submitted by residents of the subject building objecting to the application mainly on the concern on adverse environmental impacts, hygiene, noise impact and nuisance created by burning of joss sticks and paper offerings by the columbarium use;
- (c) all public comments were made available for public inspection at the Planning Enquiry Counters of PlanD;
- (d) there was a general demand for more public niches in the territory and the

Government was actively identifying suitable sites to increase supply of public columbarium use;

- (e) the current “R(A)4” zone covered the Site on which the subject building was situated, rezoning part of the building was not possible;
- (f) there were public services offered by the Government for temporary storage of ashes before permanent niches were available. Besides, there were private licensed undertakers of burial which did not debar temporary storage of ashes within licensed premises, though ancestor worshipping was not allowed at these premises. According to the latest information from Food and Environmental Hygiene Department, there were 48 licensed undertakers of burial operating in Hung Hom. Although the applicant claimed that the niches were rented to the customers on a temporary basis, vacated niches would be allowed to be filled by others, so from land use perspective, the premises would in essence be permanently for columbarium use;
- (g) the PCO came into effect in 2017, which regulated the operation of private columbaria through a licensing scheme. A columbarium would be eligible to apply for exemption status under the licensing regime if it was a dated columbarium (i.e. its operation commenced before 1 January 1990), otherwise, it would have to apply for a licence. According to PCO, if a columbarium applied for a licence, it would need to satisfy all statutory and government requirements, including building, planning and land-related requirements. Whereas, to apply for an exemption, the columbarium would not be required to comply with the statutory planning requirements. In addition, applicants could apply for Temporary Suspension of Liability (TSOL) during the period when their licence/exemption applications were being processed. The subject columbarium had submitted an application for a licence and TSOL. As the subject columbarium was not a dated columbarium, it could only apply for a licence under PCO. However, as columbarium use was not permitted at the Site under the extant “R(A)4” zone, the subject columbarium would not satisfy the statutory planning

requirements and would not meet the requirement for a licence under PCO and hence the applicant had submitted a rezoning application. In recent years, some columbaria in Hung Hom area had already ceased operation, including some with licence applications rejected by the PCLB;

- (h) the applicant proposed to rezone the Site to “R(A)7” with ‘Columbarium’ use as a Column 2 use which was subject to planning permission. However, no amendment to the development restrictions of the extant “R(A)4” zone, including PR and BH restrictions, was proposed. In other words, if the Site was rezoned to “R(A)7” as proposed by the applicant, the original PR and BH restrictions would be applicable to the Site upon any future redevelopment; and
- (i) the location of the 27 private columbaria in Hung Hom under Part B of the List of Information of Private Columbaria was shown on Plan Z-3 of the Paper. 18 of columbaria had ceased operation and 9 columbaria at Winslow Street, Chatham Road North and the subject columbarium at Baker Street were still in operation. The total number of niches in the Hung Hom area was not available.

15. In response to Members’ enquiries on the operation of the subject columbarium and the reasons for submitting the section 12A application, Ms Joyce Lee, the applicant’s representative, said that nuisance created by the subject columbarium was minimal as there was only one incense burner without joss paper furnace. The scale of the columbarium was small and niches were rented to customers, including residents nearby, on a temporary basis while they were pending allocation of government niches. About 60 out of the 91 occupied niches were rented for two to three years. The columbarium was compatible with the funeral related businesses in the area. If the application was rejected, the subject columbarium could not meet the planning requirement and a licence could not be obtained. According to requirements of TSOL, the applicant was not allowed to rent niches to new customers. All of the niches would need to be removed eventually if a licence could not be obtained. Mr S.L. Ng, the applicant’s representative, supplemented that according to their survey during Chung Yeung Festival, the number of visitors to the subject columbarium was less than 20 persons per hour and the expected number of visitors would be less than 50

persons per hour even if all of the niches were rented out. Further TIA would be carried out during the section 16 application stage to address the comments of the Transport Department, if the rezoning application was approved.

16. In response to the Chairman's enquiry on whether there was any time limit on renting the niches, Ms Joyce Lee, the applicant's representative, said that there was no time limit in the rental agreement signed with the customers and the niches were charged on a daily basis.

17. In response to a Member's enquiry, Mr Lai Chi Kwok, the applicant, said that he was the owner of the premises and about one third of the business of the columbarium cum florist shop came from renting of niches.

18. As the applicant's representatives had no further points to raise and there was no further question from Members, the Chairman informed the applicant's representatives that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform them of the Committee's decision in due course. The Chairman thanked the representatives from PlanD and the applicant for attending the meeting. They left the meeting at this point.

[Mr Franklin Yu joined the meeting during the applicant's presentation.]

Deliberation Session

19. Members noted that the application was to rezone the Site from "R(A)4" to "R(A)7" zone with 'Columbarium' included as a Column 2 use and the applicant had also applied for a licence and TSOL under PCO for the subject columbarium that was pending deliberation by the PCLB. According to the prevailing policy, a licence would only be granted if all statutory and government requirements including planning-related requirements were satisfied.

20. Members generally considered that columbarium use was not compatible with the residential use within the same building and in the neighbourhood. It would cause adverse

impact on the residential area. Some Members also raised concern on potential new columbarium use in the subject building if the section 12A application was approved as 'Columbarium' would be a Column 2 use in the new zoning whereby section 16 application for such use could be submitted for the whole Site under this zoning.

21. The Chairman invited Members to give views on the appropriateness of the rejection reason in relation to 'undesirable precedent' in paragraph 12.1 (b) of the Paper, Members agreed that approving the application would set an undesirable precedent for other similar applications for buildings within existing columbarium use as there were another eight columbaria in Hung Hom area which did not comply with the planning requirements. Approval of the subject application would encourage similar applications which might reverse the trend for columbarium to cease operation in Hung Hom in the past years. As such, it was appropriate to include the setting of undesirable precedent as a rejection reason.

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

- (a) the Site is situated within a residential cluster. Rezoning of the Site to "Residential (Group A)7" with 'Columbarium' as a Column 2 use is not appropriate as columbarium use is incompatible with residential use within the subject building and in the neighbourhood; and
- (b) the approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such similar applications would result in aggravation of the land use conflict/incompatibility with the residential area.

[Ms Katy C.W. Fung, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) and Ms Winsome W.S. Lee, Town Planner/Tsuen Wan and West Kowloon (TP/TWK) were 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/K20/132 Proposed Comprehensive Development for Residential and Commercial Uses, School, Social Welfare Facilities and Public Vehicle Park, with Minor Relaxation of Domestic Plot Ratio Restriction (Amendments to Approved Master Layout Plan) in “Comprehensive Development Area” Zone and areas shown as ‘Road’, Site bounded by Lai Hong Street, Fat Tseung Street West, Sham Mong Road and West Kowloon Corridor and a small strip of land on Lai Hong Street, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K20/132C)

23. The Secretary reported that Wolver Hollow Company Limited, which was one of the applicants, was a joint venture of Kerry Properties (HK) Limited (KPL) and Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD), Ronald Lu & Partners (Hong Kong) Limited (RLP), AECOM Asia Company Limited (AECOM), LWK & Partners (Hong Kong) Limited (LWK) and Ove Arup & Partners Hong Kong Limited (ARUP) were five of the consultants of the applicants. The following Members had declared interests on the item:

- | | | |
|-------------------|---|--|
| Mr Thomas O.S. Ho | - | having current business dealings with SHK, RLP, AECOM and ARUP, and having past business dealings with LD; |
| Mr Alex T.H. Lai | - | his former firm had business dealings with KPL, SHK, RLP, AECOM, ARUP and LWK; and |
| Mr Franklin Yu | - | his spouse being an employee of SHK. |

24. As the interest of Messrs Thomas O.S. Ho and Franklin Yu were direct, they were invited to leave the meeting temporarily for the item. As Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that he could stay in the meeting.

[Mr Franklin Yu temporarily left and Mr Thomas O.S. Ho left the meeting at this point.]

Presentation and Question Sessions

25. With the aid of a PowerPoint presentation, Ms Winsome W.S. Lee, TP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive development for residential and commercial uses, school, social welfare facilities and public vehicle park, with minor relaxation of domestic plot ratio (PR) restriction (amendments to approved Master Layout Plan (MLP));
- (c) departmental comments were set out in paragraph 10 and Appendix V of the Paper;
- (d) during the first three weeks of the statutory publication periods, 32 public comments were received, including 17 opposing comments from a nearby school and individuals, and 15 comments expressing concerns from a District Councillor, another nearby school and individuals. Major views were set out in paragraph 11 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 12 of the Paper. The application was for proposed amendments to the approved MLP for a proposed comprehensive development primarily for residential use with supporting commercial and community facilities including social welfare facilities and public vehicle park (the Proposed Scheme) on the application site (the Site) zoned “Comprehensive Development Area” (“CDA”) on the Outline Zoning Plan. The main amendment was an increase in the number of flats from 3,140 to 3,647 units. With such increase in the number of flats and the anticipated population, the provision of private

open space and parking and loading/unloading facilities had been adjusted to comply with the requirements as per the Hong Kong Planning Standards and Guidelines (HKPSG). The major development parameters including PR and maximum building height (BH) remained unchanged in the Proposed Scheme. The alignment of the proposed 7m-wide pedestrian passageway had been revised for better management and maintenance and the preservation proposal of an existing tree and landscape treatment had been enhanced. The provision of public facilities would be retained and the increase in population would not have significant impact on the community facilities. The Proposed Scheme would not create adverse traffic, environmental, air ventilation, drainage, sewerage, and fire safety impacts. Concerned government departments had no objection to or adverse comment on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant. Besides, the proposed average flat size was in line with other similar developments in the district; traffic flow of heavy goods vehicles would be reduced with management of traffic condition by staff; the piece of land next to Tack Ching Girls' Secondary School would be returned to the Government; and footbridges and elevated walkway systems would be provided for better connection.

26. The Chairman and some Members raised the following questions:
- (a) whether there was any government policy on the minimum flat size of residential developments and whether the reduced average flat size would affect living quality of future residents in the development;
 - (b) whether the provision of private local open space and parking spaces within the development, and government, institution and community (GIC) facilities in the area were still adequate with the increased population;
 - (c) how the revised alignment of the proposed 7-m pedestrian passageway could facilitate better future management and maintenance; and

- (d) how more open space, parking and loading/unloading facilities within the Site could be provided while the site area remained unchanged.

27. In response, Ms Katy C.W. Fung, DPO/TWK, made the following main points:

- (a) there was no administrative or statutory requirement on the minimum flat size of residential developments. The average flat size of the Proposed Scheme was considered in line with other similar residential developments in the Cheung Sha Wan district, which ranged from 28m² to 60m². The average flat size of Site 1 was about 35m² while that of Site 2 was about 55m²;
- (b) with the increased population (about 16%), the private local open space within the proposed development would be increased by 1,318m² (about 16%) as per the HKPSG requirement in the Proposed Scheme. Nine additional ancillary car parking spaces for residential use would also be provided. The small number of increase in population would not significantly generate additional requirement for GIC facilities, though there was an existing shortfall in some GIC facilities in the planning area, including child care centre, residential care home for the elderly and community care services facilities. Various GIC facilities were planned in the developments nearby to address the shortfall. Relevant government departments would continue to monitor the provision of GIC facilities and provide the required facilities when opportunity arose;
- (c) the proposed 7-m pedestrian passageway straddled over Sites 1 and 2 (under different ownership) in the previous approved scheme (the Approved Scheme), and the previous plan was to include the construction and management of this passageway into the part of the site that would be implemented first. The portion of passageway that encroached onto the other site would need to be surrendered to the Government before assigning to the developer of the other site. Such arrangement would involve complex land administrative procedures. In the Proposed Scheme, the location of the passageway was adjusted to fall completely within Site 2

which could avoid the complex arrangement and facilitate better management and maintenance; and

- (d) the provision of additional number of flats, open space and parking spaces was made possible mainly by reducing the average flat size and enhancement of at grade, podium and basement layout. As indicated in the submitted Landscape Master Plan (LMP), more private local open space would be provided on the ground level and various podium levels.

Deliberation Session

28. Members generally agreed that the proposed amendments to the Approved Scheme which mainly involved an increase in 507 flats while maintaining the overall development PR and BH could be approved, having noted that the Proposed Scheme would not generate adverse impacts on various aspects and concerned government departments had no objection to the application.

29. Some Members, however, raised concern on the cumulative impact due to upward adjustment for flat number in individual applications and the increase in overall population in the area, in particular on the adequacy of GIC facilities and open space provision. The Chairman pointed out that in scrutinising individual development proposals, relevant government departments would look into the cumulative impact based on technical assessments submitted in association with individual projects. To facilitate Members to have an overall picture of GIC provision in an area when considering planning applications within the area, the GIC table covering the planning area could be presented in parallel with major development proposals under the application in future. As for the general shortfall of GIC facilities, in particular elderly services, in the territory, it should be noted that the government had been adopting a multi-pronged approach to address the issue. New GIC facilities had been planned in new development areas. Opportunities were taken to include appropriate GIC facilities within redevelopment projects in the built-up area, and suitable facilities would also be provided in new private developments by incorporating the requirements into land sale conditions. The concerned government departments would continue to monitor the GIC provision with reference to both existing and planned population in an area. For the subject application, social welfare facilities including residential care

home for the elderly, day care centre for the elderly and neighbourhood elderly centre, would be provided in the Proposed Scheme.

30. Some Members raised concern on the possible impact on living quality associated with the reduction in average flat size in the Proposed Scheme. A Member pointed out that while there was a corresponding increase in the provision of private local open space under the Proposed Scheme in terms of area in association with the increased population, the LMP failed to demonstrate that there was enhancement in terms of quality, and it was noted that the size of the proposed swimming pool in fact had been reduced. Another Member said that the Committee should endeavour to safeguard a quality living environment for the general public, though the proposed amendments to the Approved Scheme under the current application were considered not unacceptable.

31. 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 4.9.2024, 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 and implementation of a revised Master Layout Plan taking into account the approval conditions (b) to (l) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of a landscaped pedestrian passageway of Lai Fat Street to be open 24 hours for public use, as proposed by the applicants, to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of ingress/egress point(s), vehicular access, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (e) the provision of a public vehicle park, as proposed by the applicants, to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the submission of a revised traffic impact assessment and the implementation of the traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the provision of social welfare facilities, as proposed by the applicants, to the satisfaction of the Director of Social Welfare or of the TPB;
- (h) the provision of a kindergarten, as proposed by the applicants, to the satisfaction of the Secretary for Education or of the TPB;
- (i) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (j) the submission of an updated noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (l) the implementation of mitigation measures identified in the drainage impact assessment and diversion of the existing drain along Lai Fat Street to the satisfaction of the Director of Drainage Services or of the TPB; and
- (m) the submission of an implementation programme including a phasing plan of the proposed development to the satisfaction of the Director of Planning or of the TPB.”

32. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix VIII of the Paper.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/K5/818A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed religious institution (church);
- (c) departmental comments were set out in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication period, six public comments from individuals objecting to the application were received. Major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. While the use of the premises for a church might not be entirely in line with the planning intention of “Residential (Group A)” (“R(A)”) zone, it was considered not incompatible with the existing kindergarten on 1/F of the

non-domestic podium of the building and the surrounding developments. As the non-domestic podium and the residential tower above had separate entrances and the church was accessible via independent entrance(s), it was envisaged that the proposed church would not cause nuisance to the residents of the same building. Concerned government departments had no objection to or adverse comment on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

34. In response to a Member's enquiry on the operator of the proposed church and the existing kindergarten on 1/F of the same building, Ms Katy C.W. Fung, DPO/TWK, said that there was no indication from the applicant that he was also the operator of the existing kindergarten.

Deliberation Session

35. 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 4.9.2024, 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 provision of fire service installations and water supplies for firefighting before operation of the proposed use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition (a) is not complied with before operation of the proposed use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/821 Shop and Services in “Other Specified Uses” annotated “Business (2)”
Zone, Portion of Workshop C4, G/F, Block C, Hong Kong Industrial
Centre, 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon

(MPC Paper No. A/K5/821)

37. The Secretary reported that K&K Chartered Architect & Associates (K&K) was one of the consultants of the applicant. Mr Alex T.H. Lai had declared an interest on the item as his former firm having business dealings with K&K. As Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services use;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments were received, including one supporting comment and one stating no comment, both from 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 applied use at the premises was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and not incompatible with other uses of the subject building and

surrounding areas. The applied use in general complied with the Town Planning Board Guidelines No. 22D in that it would not induce adverse fire safety, traffic and infrastructural impacts on the development within the subject building and the adjacent areas. If the applied use was approved, the aggregated commercial floor area approved by the Committee on the G/F of the subject building would be within the maximum permissible limit. Concerned government departments had no objection to or no adverse comment on the application. As the previous application (No. A/K5/805) granted to the same applicant for the same use was revoked due to non-compliance with the approval condition on fire safety measures, a shorter compliance period was recommended for the subject application. A total of 23 applications for 'Shop and Services' use on the G/F of the subject building had been approved by the Committee since 2001, there was no change in planning circumstances and the approval of the application was consistent with the previous decisions of the Committee.

39. Members had no question on the application.

Deliberation Session

40. 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 for 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 4.12.2020;
- (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 4.3.2021; 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.”

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

[The Chairman thanked Ms Katy C.W. Fung, DPO/TWK and Ms Winsome W.S. Lee (TP/TWK) for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting]

A/K5/822 Proposed Hotel (Conversion of Existing Non-domestic Building) in
“Residential (Group A) 6” Zone, 396 Lai Chi Kok Road, Sham Shui Po,
Kowloon
(MPC Paper No. A/K5/822)

42. The Secretary reported that Townland Consultants Limited (Townland) was one of the consultants of the applicant. Mr Alex T.H. Lai had declared an interest on the item as his former firm having business dealings with Townland. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr Alex T.H. Lai 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 27.8.2020 deferment of consideration of the application for one month in order to allow more time for preparation of further information to address the 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Hong Kong District

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H14/82 Proposed Minor Relaxation of Building Height Restriction for Permitted Hospital Use in "Government, Institution or Community" Zone, 40 Stubbs Road, Hong Kong
(MPC Paper No. A/H14/82A)

45. The Secretary reported that WSP (Asia) Limited (WSP) was one of the consultants of the applicant. Mr Alex T.H. Lai had declared an interest on the item as his former firm having business dealings with WSP. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that he could stay in the meeting.

46. The Committee noted that the applicant's representative requested on 19.8.2020 deferment of consideration of the application for two months in order to allow sufficient time for the applicant to address the departmental and public comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information, including revised development parameters and assessments, to address departmental and public comments.

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

[Mr Mak Chung Hang/Kowloon, 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/K18/336 Proposed Religious Institution (Buddhist Temple) in "Residential (Group C) 1" Zone, 61 Cumberland Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/336A)

48. The Secretary reported that the application was located in Kowloon Tong. Townland Consultants Limited (Townland) 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 Townland;
- Dr Lawrence W.C. Poon - living in the quarters of the City University of Hong Kong in Kowloon Tong; and
- Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Kowloon Tong.

49. The Committee noted that Mr Stanley T.S. Choi had tendered an apology for

being unable to attend the meeting. As Mr Alex T.H. Lai had no involvement in the application, and the residence of Dr Lawrence W.C. Poon had no direct view of the application site, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed religious institution (buddhist temple);
- (c) departmental comments were set out in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments were received, including one supporting comment from an individual, one objecting comment from the Shang Sin Chun Tong and one comment indicating no objection from the China Coast Community Limited. Major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Although the temple use was not in line with the planning intention of the “Residential (Group C)1” (“R(C)1”) zone, the proposed development with a proposed plot ratio (PR) of 0.6 and building height (BH) of 2 storeys was considered not incompatible with the development scale and prevailing character of the area and did not exceed the development restrictions of the “R(C)1” zone. Non-building area requirements stipulated under the Kowloon Tong Outline Development Plan were complied with. The temple use at the application site had previously been approved by the Town Planning Board (the Board), and relevant government departments had no adverse comment on the proposal from traffic, environmental and visual aspects. Given its unique site history, the proposed ‘religious

institution' use was supported on sympathetic grounds. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

51. Dr Lawrence W.C. Poon declared an interest on the item as the ashes of his relatives were placed in Shang Sin Chun Tong, which had submitted a public comment. As the interest of Dr Lawrence W.C. Poon was indirect, the Committee agreed that he could stay in the meeting.

52. Some Members raised the following questions:

- (a) the difference in scale of the existing and proposed temple;
- (b) whether there were any elements within the temple with historical significance;
- (c) whether the development restrictions of the "R(C)1" zone applied to all types of developments;
- (d) any restriction on the floor-to-floor height for developments in the area; and
- (e) whether special events and ceremonies to be held in the proposed temple might warrant some special attention when considering the application.

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

- (a) the site coverage of the proposed temple would be slightly reduced from 37.65% to 35%, while the BH would be slightly increased from 9.35m to 10.9m;
- (b) the existing temple was converted from a bungalow-style residential building which could have been built over 40 to 50 years ago. There was no information showing there was any element within the temple with

historical significance;

- (c) the development restrictions of the “R(C)1” zone were applicable to all other types of developments. The proposed PR and BH of 0.6 and 2 storeys did not exceed the PR and BH restrictions of 0.6 and 3 storeys under the “R(C)1” zone;
- (d) there was no restriction on the floor-to-floor height for developments in the area. The overall BH of the proposed temple was generally in line with the overall BH of about 8 to 10m of other existing developments in the area; and
- (e) as advised by the applicant, special events and ceremonies would be held on Sundays and public holidays, and the traffic condition in the area during peak hours on weekdays would not be adversely affected. The Traffic Impact Assessment also demonstrated that the proposed temple would not generate adverse traffic impact on the area, and the Commissioner for Transport had no objection to the application.

Deliberation Session

54. Members generally had no objection to the application. A Member raised observations on the diverse land uses and local characteristics of the Kowloon Tong Garden Estate and the architectural design of the proposed temple. The same Member pointed out that the various uses, including temple development under the subject application would bring in more people to the area. Another Member opined that some elements with historical significance might exist within the temple and the applicant should be advised to preserve any such elements as far as practicable.

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 4.9.2024, 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) no columbarium/urns/niches and no new ancestral tablets should be provided within the site;
- (b) the design and provision of vehicular access, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the submission and implementation of on-street parking spaces relocation proposal to the satisfaction of the Commissioner for Transport or of the TPB.”

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

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/320 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Office Use in “Other Specified Uses” annotated “Business” Zone, 13 Sheung Yuet Road, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/320)

57. The Secretary reported that the application was located in Kowloon Bay. Townland Consultants Limited (Townland) was the consultant of the applicant. The following Members had declared interests on the item:

- Mr Alex T.H. Lai - his former firm having business dealings with Townland;
- Prof Jonathan W.C. Wong - being an employee of the Hong Kong Baptist University which rented a property for campus use in Kowloon Bay; and
- Ms Sandy H.Y. Wong - being a council member of the Hong Kong Baptist University which rented a property for campus use in Kowloon Bay.

58. As the interests of Prof Jonathan W.C. Wong and Ms Sandy H.Y. Wong were indirect and Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) restriction for permitted office use;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one objecting comment from an individual was 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 assessment made in paragraph 11 of the Paper. The proposed use was in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and the transformation taking place in Kowloon Bay Business Area (KBBA) from industrial to business/commercial uses. Development Bureau gave policy

support to the application. Concerned government departments had no objection to or no adverse comment on the application on traffic, environmental and other aspects. Various landscaping and design elements, including building setbacks and greenery provision, had been adopted to enhance the urban and pedestrian environment. Regarding the public comment received, the comments from concerned government departments and the planning assessments above were relevant.

60. The Chairman and some Members raised the following questions:

- (a) the reasons for providing greening and the distribution of greening in the proposed development, and the sustainability of the proposed vertical greening system;
- (b) the planning gain from the proposed building setbacks and greening, and how they could enhance the pedestrian environment;
- (c) how the proposed scheme could enhance air ventilation;
- (d) whether the proposed footbridge connection was mandatory and how the future footbridge system could enhance pedestrian connectivity;
- (e) whether the proposed building height (BH) complied with the BH restriction stipulated on the approved Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP); and
- (f) the rejection reasons of the previous application No. A/K13/313 at the application site.

61. In response, Mr William W.L. Chan, STP/K, made the following main points:

- (a) the applicant indicated that greening of about 27% of the site area would be provided in the proposed development for fulfilling the greenery coverage requirements in the Sustainable Building Design Guidelines (SBDG).

Among the 27% of greening, most of the greening (about 14%) would be provided at the pedestrian level, about 7% at the landscape garden on 1/F, and about 6% at the planter on the roof floor. Vertical greening would also be provided on G/F and 2/F. Details on the modular tray system to support the vertical greening had been provided in the applicant's submission. Lease conditions requiring the land owner to maintain the proposed greening of the proposed development would normally be imposed during lease modification stage;

- (b) the proposed development would provide a building setback of 3m from the lot boundaries along Wang Chiu Road, Sheung Yuet Road and Wang Tai Road. The proposed setback along Sheung Yuet Road would provide a setback of about 7m wide from the kerbline, which was about 2m more than the setback requirement under the adopted Kowloon Bay Outline Development Plan (ODP) No. D/K17/2. The planters at the pedestrian level and vertical greening to be provided were to enhance the pedestrian environment without jeopardising the width of pavement. An approval condition for submission and implementation of landscape proposal for G/F to 2/F was suggested to be imposed. Details of greening provision could be further refined in the detailed design stage;
- (c) the proposed scheme had incorporated full-height building setbacks (above ground) of 3m wide along Wang Chiu Road which complied with the non-building area (NBA) requirement under the OZP. The NBA requirement was recommended in the Air Ventilation Assessment conducted as a mitigation measure to enhance air ventilation;
- (d) the future footbridge system was recommended under the KBBA Pedestrian Environment Improvement – Feasibility Study to enhance pedestrian connectivity between Kowloon Bay MTR Station and the KBBA, and was subsequently stipulated on the adopted ODP. While the provision of footbridge connection for the system was not mandatory, the Government had provided incentive through premium reduction for lease modifications to encourage the provision of the future footbridge. The

proposed scheme had allowed for potential connection to the footbridge system. Implementation of the footbridge and its connections would be subject to further liaison among the developers in the KBBA, and the Energizing Kowloon East Office, Development Bureau would assume the coordination role in the implementation of the footbridge system;

- (e) the proposed BH of 120mPD would comply with the BH restriction stipulated on the OZP; and
- (f) the previous application submitted by the same applicant for proposed minor relaxation of PR and BH restrictions for permitted office development at the same site was rejected by the Committee in March 2020, mainly on the grounds that the proposed development with relaxed BH would create adverse visual impact on the area as the development would encroach into the 20% 'building-free zone' for protection of the important ridgelines. For the current application, the applicant did not apply for relaxation of BH restriction.

[Mr Alex T.H. Lai left the meeting during the question and answer session.]

Deliberation Session

62. Whilst noting that the applicant had incorporated building setbacks and greenery provision in the proposed scheme, some Members considered that there was room for further enhancement in terms of building design and landscaping to enhance the pedestrian environment. Two Members pointed out that as the proposed building was located at a prominent corner site opposite to the park of Zero Carbon Building, the applicant should adopt a building and landscape design which could add amenity value to the area. A Member highlighted that there was discrepancy in the submission in terms of building edge treatment, which would be important for a corner site building, as shown in the drawings provided by the applicant (Drawings A-3 and A-10). A Member noted that only a further 2m voluntary setback at pedestrian level along Sheung Yuet Road would be provided in addition to the OZP and ODP requirements. Another Member considered that the setback

areas, without quality landscaping and associated facilities, such as canopy, might not be able to enhance the pedestrian environment. A Member raised query on the sustainability of the proposed vertical greening, while another Member considered that the maintenance of vertical greening system would be feasible with the latest technology. Some Members opined that the applicant had not demonstrated effort to provide a quality landscaping treatment, while a Member pointed out that assessment on building design could be subjective and the Committee might not need to look into the fine details of a landscape proposal.

63. In response to a Member's question on whether greening provided within setback areas would be counted towards the requirements under the SBDG, the Chairman said that the details were set out in the related guidelines and in general, greening within the lot boundary would be counted.

64. A few Members opined that the subject application did not have strong planning and design merits as compared to other similar applications approved by the Committee, and approval of the application might set an undesirable precedent. The Chairman reminded Members that in assessing proposals for redevelopment of pre-1987 industrial buildings, the Committee had processed a number of similar planning applications since March 2019 and some general principles had evolved. The Committee would generally approve an application for PR relaxation if the proposal was technically feasible with no adverse departmental comment. For applications seeking both PR and BH relaxation, the Committee would also look into the planning and design merits of the proposals that could be provided. Noting Members' concerns, the Chairman suggested and Members agreed that the applicant could be invited to provide further information and clarification on how the setbacks and greenery provision in the proposed scheme could enhance the pedestrian environment to facilitate the Committee's further consideration of the application. Additional information on the implementation of the footbridge system should also be provided.

65. After deliberation, the Committee decided to defer a decision on the application, pending the applicant's submission of further information and clarification on building design and landscaping treatment especially within the setback areas at pedestrian level under the proposed scheme.

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/27 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Office, Shop and Services and Eating Place Uses in "Commercial (2)" Zone, 7 Kai Hing Road, Kowloon Bay, Kowloon
(MPC Paper No. A/K22/27B)

66. The Secretary reported that the application was submitted by Kerry D.G. Warehouse (Kowloon Bay) Limited which was a subsidiary of Kerry Properties Limited (KPL). 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 KPL; and |
| Mr Daniel K.S. Lau | - | being an ex-employee of the Hong Kong Housing Society which had business dealings with KTA. |

67. The Committee noted that Mr Alex T.H. Lai had already left the meeting. As Mr Daniel K.S. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

68. With the aid of a PowerPoint presentation, Mr K.K. Lee, STP/K, presented the

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

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) restriction for permitted office, shop and services and eating place uses;
- (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, a total of six public comments were received, including one supporting comment and five objecting comments from individuals. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed development was generally in line with the planning intention of the “Commercial(2)” zone and the development intensity was considered not incompatible in terms of building bulk in the locality. Development Bureau gave policy support to the application in-principle. The proposed minor relaxation of the PR restriction could help address the long-run shortfall of office floor space and was conducive to the policy direction of developing Kowloon East into Core Business District 2. Various landscaping and design elements, including provision of a 20m-wide promenade and public accesses to the promenade, had been adopted to support the application. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments from concerned government departments and the planning assessments above were relevant.

69. The Chairman and some Members raised the following questions:

- (a) the provision requirement on the Outline Zoning Plan (OZP) and the

management and maintenance responsibility with regard to the proposed promenade;

- (b) whether there was any requirement on the design of the promenade and how the design would be monitored and the compatibility between different sections of promenade be ensured;
- (c) the accessibility of the proposed promenade, including the accessibility prior to the completion of adjoining planned open space and adjoining development sites;
- (d) the planning assessment on the traffic concern raised in public comments; and
- (e) the difference between a Landscape Master Plan (LMP) and landscape proposal and whether submission of a LMP was required for the application.

70. In response, Mr Chesterfield K.K. Lee, STP/K, made the following main points:

- (a) a portion of the application site (the Site) was designated as 'Waterfront Promenade' on the approved Kai Tak OZP, and in association with the proposed development, a 20m-wide promenade should be provided for public enjoyment purpose. The proposed promenade would not be surrendered to the Government upon completion, and the applicant would be responsible for the design, construction, management and maintenance of the promenade in future. Such responsibility would be clearly set out in the future lease conditions for the Site;
- (b) relevant design requirements to guide and control the design and construction of the promenade would be included in the technical schedule of the future lease for sites along the relevant part of the waterfront, and the requirements would be determined by relevant government departments. A dedicated team, consisting representatives from the Harbour Office, the

Greening, Landscape and Tree Management Section and the Energizing Kowloon East Office (EKEO) of the Development Bureau, the Civil Engineering and Development Department (CEDD) and PlanD, would vet the landscape proposal for different sections of the waterfront promenade submitted by the respective developers of sites along the relevant part of the waterfront in Kai Tak to ensure design coherence. Although the Marine Department and the Leisure and Cultural Services Department (LCSD) were not members of the said dedicated team, the Kai Tak Office of CEDD would coordinate comments on the design of the promenade from the relevant departments. The Task Force on Kai Tak Harbourfront Development of the Harbourfront Commission would also be consulted on the design of the promenade as appropriate;

- (c) the section of promenade under the subject application together with other sections of the promenade of the adjoining sites would be connected to the adjoining planned district open space to the southwest and the existing Kwun Tong Promenade managed by LCSD to the northeast. A pedestrian passage from Kai Hing Road to the promenade was proposed through the entrance lobby on G/F of the proposed building, which would be opened to the public during opening hours of the building. The applicant further proposed to reserve a 3m-wide passageway along the south-western boundary of the Site as an alternative access from Kai Hing Road to the promenade, which would be opened for public use on a 24-hour basis prior to completion of the adjoining public open space;
- (d) as the Site was not located within the core area of the Kowloon Bay and Kwun Tong Business Areas and the adjacent developments were mainly industrial/godown uses, the traffic condition in this part of Kai Tak was generally not congested except for some on-street loading/unloading activities. It was anticipated that the public transport services serving this area would be improved when the area was further developed; and
- (e) the Practice Note for Professional Persons No. 1/2019 promulgated by PlanD had set out the general principles for requiring landscape submission

in the form of LMP or landscape proposal for private developments. The distinction between a LMP and a landscape proposal was mainly the level of details to be covered. In general, LMP with more details would be required for developments of a larger scale, such as those within “Comprehensive Development Area” zones or at visually-sensitive locations. For developments of smaller scale, such as the proposed commercial development at the Site, the submission of a landscape proposal requiring less detail would suffice. To address concerns on the landscape design of the Site and the design of the waterfront promenade, approval conditions on the submission and implementation of a landscape proposal, and design and provision of the proposed waterfront promenade for public enjoyment were recommended.

[Dr Frankie W.C. Yeung left the meeting during the question and answer session.]

Deliberation Session

71. Members noted that the applicant had included various landscaping and design elements, including the provision of a 20m-wide waterfront promenade, in the proposed development and generally considered that the application could be supported. A Member opined that accessibility to the future promenade should be ensured. Another Member suggested the applicant to submit more detailed landscape drawings to the relevant departments for consideration during the detailed design stage. Members noted that apart from the dedicated team monitoring the design of promenade and the specific requirements in the technical schedule of the future lease, the approval conditions recommended to be imposed in the planning permission would provide additional safeguard on scrutinizing the design and implementation of the promenade.

72. 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 4.9.2024, 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 vehicular access, vehicle parking, loading/unloading facilities and maneuvering spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of the proposed waterfront promenade within the application site for public enjoyment to the satisfaction of the Director of Planning or of the TPB;
- (d) the implementation of the local sewerage upgrading works identified in the submitted sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

73. 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 K.K. Lee, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Prof Jonathan W.C. Wong left the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting]

A/K14/792 Proposed Shop and Services (Bank, Fast Food Shop, Local Provisions Store and/or Electrical Shop) in “Other Specified Uses” annotated “Business” Zone, Portion of G/F, How Ming Factory Building, 99 How Ming Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/792)

74. The Committee noted that the applicant’s representative requested on 31.8.2020 deferment of consideration of the application for one month in order to allow more time for preparation of further information to address the comments from the Fire Services Department. It was the first time that the applicant requested deferment of the application.

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

[Ms Johanna W.Y. Cheng, District Planning Officer/ Kowloon (DPO/K) and Ms Jessie K.P. Kwan, Senior Town Planner/Kowloon (STP/K) were invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/124 Proposed Comprehensive Residential Development with Supporting Retail & Government, Institution and Community Facilities in “Undetermined” Zone, Various Private Lots in S.D. 3 and Adjoining Government Land, Cha Kwo Ling Tsuen, Yau Tong, Kowloon
(MPC Paper No. A/K15/124)

76. The Secretary reported that Kenneth To & Associates Limited (KTA), AIM Group Limited (AIM) and C M Wong & Associates Limited (CMW) 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 AIM;
- Mr Daniel K.S. Lau - being an ex-employee of the Hong Kong Housing Society which had business dealings with KTA; and
- Mr Franklin Yu - having current business dealings with CMW.

77. The Committee noted that Mr Alex T.H. Lai had already left the meeting. As Messrs Daniel K.S. Lau and Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed comprehensive residential development with supporting retail and government, institution and community (GIC) facilities;

- (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, a total of 2,519 public comments were received, including 1,336 supporting comments from three organisations (namely 茶果嶺原居民權益協進會, 茶果嶺鄉民聯合會 and 起動九龍東發展關注組), residents of Cha Kwo Ling Tsuen (CKLT) and individuals, 1,173 opposing comments from residents of Laguna City including the Estate Owners' Committees, residents of CKLT, a Kwun Tung District Council Member, Designing Hong Kong Limited and individuals, and 10 providing comments from Hong Kong and China Gas Co. Ltd, the Society for Community Organization and individuals. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application site (the Site) was zoned “Undetermined” (“U”) on the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) and under the “U” zone, all uses required permission from the Town Planning Board (the Board). According to the Explanatory Statement, the long term uses of the “U” zone would be subject to future study. The Secretary for Development did not support the current application as there was an on-going government study reviewing the long-term use of the Site with the planning intention for public housing development with supporting GIC uses and infrastructure through land resumption. The Project Manager (South), Civil Engineering and Development Department (CEDD) objected to the application as such approval would require revisiting of the development layout and quantum under review in the government study undertaken by CEDD (the Study) and re-conducting of on-going technical assessments which would have considerable time implication on the study programme and cause delay to the implementation of the redevelopment of CKLT, and the current proposal was less comprehensive than the proposals

being considered under the Study. Both the Commissioner for Transport and CEDD considered that the Traffic Impact Assessment submitted under the application was unacceptable and had under-estimated the traffic conditions, and adverse traffic impacts were anticipated with the proposed flat production. The Secretary for Education considered that the proposed school site had failed to meet the size and configuration requirements under the Hong Kong Planning Standards and Guidelines. The Director of Social Welfare advised that with the large size of the Site and acute demand for social welfare services, more social welfare facilities should need to be provided. Relevant government departments indicated that there were deficiencies in the assessments covering urban design/visual, environmental, drainage, water supply and heritage preservation aspects. Hence, the applicant had failed to demonstrate the technical feasibility of the proposed development and that the proposed development would have no adverse impacts on the area. Without policy support, Lands Department was not in a position to process non-in-situ land exchange application by the applicant and/or other private lot owners concerned. The development programme suggested by the applicant was also considered unrealistic. Regarding the public comments received, it should be noted that relevant government departments had devoted resources to improve the living environment of the residents in CKLT and the comments from concerned government departments and the planning assessments above were relevant.

79. The Chairman and some Members raised the following questions:
- (a) the target completion date of the Study;
 - (b) whether the Committee had processed any similar application which the applicant only owned a small portion of the application site or not a current land owner; and
 - (c) how to take the development proposal forward as the majority of land was not owned by the applicant, if the application was approved.

80. In response, Ms Johanna W.Y. Cheng, DPO/K, made the following main points:
- (a) the Study was targeted for completion by early 2021;
 - (b) there was no requirement under the Town Planning Ordinance for an applicant to own the application site before submitting a planning application. Even if the applicant only owned a small portion of the application site or not a current land owner, he/she could submit a planning application for the Town Planning Board's (the Board) consideration. Some previous applications were submitted by local organisations or concern groups on sites which they were not a current land owner; and
 - (c) the applicant proposed to surrender his scattered lots to the Government in exchange for re-grant of a piece of land of the same size for development of private housing through non-in-situ land exchange, and the land exchange proposal would be subject to further liaison between the applicant and relevant government departments. The applicant indicated that the proposed public housing and other GIC facilities would be implemented by the Government. However, should the application be approved, the development layouts for the public housing and other GIC facilities being examined under the Study had to be re-visited to take on board the proposal of the application and nearly all the technical assessments under the Study had to be re-conducted, causing delay to the implementation of the redevelopment of CKLT.

81. In response to the Chairman's enquiry on the background of the Site, Ms Johanna W.Y. Cheng, DPO/K, said that the CKLT together with the ex-Cha Kwo Ling Kaolin Mine Site (ex-CKLKMS) to its north at the upper platform were rezoned to "Residential (Group A)4" and "Government, Institution or Community" in 1998 for the then proposed large-scale public housing cum school village development based on a study of the Housing Department. The proposal was not pursued in view of the then adjustment in housing policy and changes in planning circumstances. In 2011, PlanD commissioned a planning study on the land uses of the area with a view to facilitate early release of developable sites for housing

development. The formed platforms of ex-CKLKMS were rezoned to “Residential (Group B)” subzones for mainly medium-density housing development in 2014. As the CKLT involved substantial number of squatters and village houses, the planning review recommended that further detailed technical assessments would be required to ascertain the appropriate uses and development intensity for the Site with reference to the latest planning circumstances and technical considerations. The CKLT area was thus rezoned to “U” in 2014 subject to further study on the appropriate uses, development intensity and implementation mechanism. Under the “U” zone, except those uses permitted under the Covering Notes of the OZP, all uses or developments required planning permission from the Board with supporting assessments to demonstrate that the proposed developments would have no adverse impacts on the area and that it should be compatible with the surroundings in terms of land use, development intensity and building height with due regard to its waterfront location.

Deliberation Session

82. While some Members appreciated the efforts made by the villagers and locals in submitting the subject application for redevelopment of CKLT, Members raised concern on the not well-thought out development proposal and the integration between the proposed development and the surrounding areas. Noting that the applicant only possessed a very small portion of land in the Site and a government study was being undertaken for comprehensive re-planning for public housing development with supporting facilities, Members generally considered that the application could not be supported as the proposal would undermine the comprehensive planning of land uses for the Site and the applicant failed to demonstrate the technical feasibility of the development proposal.

83. In view of the government policy to undertake integrated planning and development of new communities in CKLT and that the Study had commenced since mid-2019, Members urged the Government to expedite completion of the Study and address the villagers’ concerns on land clearance, relocation and compensation when redeveloping CKLT. Members agreed that the proposed rejection reasons set out in the Paper should be suitably amended to better reflect that the application had failed to meet the requirements under the “U” zone.

[Ms Sandy H.Y. Wong left the meeting during the deliberation session.]

84. After deliberation, the Committee decided to reject the application for the following reasons :

- “(a) the application site is zoned “Undetermined” (“U”) which will be subject to future study. A government study is being undertaken for comprehensive replanning of the application site for public housing development with supporting facilities. Approval of this application would undermine the comprehensive planning of land uses for the site; and
- (b) the applicant failed to demonstrate the technical feasibility of the proposed development and that the proposed development will have no adverse impacts on the area as required under the “U” zone.”

[The Chairman thanked Ms Johanna W.Y. Cheng, DPO/K and Ms Jessie K.P. Kwan, STP/K, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 14

Any Other Business

85. There being no other business, the meeting was closed at 1:30 p.m..