

**Minutes of 1198th Meeting of the
Town Planning Board held on 29.3.2019**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Assistant Director (Environmental Assessment),
Environmental Protection Department

Mr Terence S.W. Tsang

Deputy Director/General
Lands Department

Ms Karen P.Y. Chan

Chief Engineer (Works)
Home Affairs Department

Mr Martin W.C. Kwan

Chief Traffic Engineer (Hong Kong)
Transport Department

Mr Eddie S.K. Leung

Director of Planning
Mr Raymond K.W. Lee

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr David Y.T. Lui

Mr K.K. Cheung

Mr Thomas O.S. Ho

Mr L.T. Kwok

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

In Attendance

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Mr Kepler S.Y. Yuen (a.m.)

Ms April K.Y. Kun (p.m.)

Senior Town Planner/Town Planning Board

Miss Annie H.Y. Wong (a.m.)

Mr Eric C.Y. Chiu (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1197th Meeting held on 15.3.2019

[The item was conducted in Cantonese.]

1. The draft minutes of the 1197th Meeting were sent to Members before the meeting and tabled at the meeting. Subject to no proposed amendments by Members on or before 1.4.2019, the minutes would be confirmed without amendments.

[Post-meeting Note: The minutes were confirmed on 1.4.2019 subject to addition of the second sentence as proposed by a Member in paragraph 97 of the draft minutes.]

Agenda Item 2

Matters Arising

[The item was conducted in Cantonese.]

(i) [Confidential Item] [Closed Meeting]

2. The Chairperson suggested and Members agreed to defer Agenda Item 2(i) to the afternoon session of the meeting. This item was reported under confidential cover.

(ii) New Town Planning Appeal Received

Town Planning Appeal No. 2 of 2019

Proposed Office and Shop and Services/Eating Place in “Residential (Group A)”
Zone, 3-6 Glenealy, Central, Hong Kong

(Application No. A/ H3/438)

[Open Meeting]

3. The Secretary reported that the following Members had declared interests on the item for having business dealings with the Applicant’s legal advisor, Mr Benjamin Yu, and

one of the consultants, Kenneth To & Associates Limited (KTA); acquainted with the Applicant's representative, Mr Robert Lee; or owning properties in the Sheung Wan area:

- | | | |
|---------------------|---|---|
| Mr Alex T.H. Lai |] | their firm having current business dealings |
| Mr K.K. Cheung |] | with Mr Benjamin Yu and Mr Alex T.H. Lai personally knowing Mr Robert Lee |
| Mr Daniel K.S. Lau | - | being a former employee of the Hong Kong Housing Society which was having current business dealings with KTA |
| Mr Stephen L.H. Liu | - | being one of the Directors of a company which owned an office unit in Unionway Commercial Centre at Queen's Road Central for his personal use |
| Mr H.W. Cheung | - | his spouse owning a property at Queen's Road West |

4. As the item was to report the receipt of an appeal case and no discussion was required. All those Members could stay in the meeting. Members noted that Messrs K.K. Cheung and H.W. Cheung had tendered apologies for being unable to attend the meeting, and Messrs Stephen L.H. Liu and Alex T.H. Lai had yet to arrive to join the meeting.

5. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 15.3.2019 against the decision of the Town Planning Board (the Board) on 11.1.2019 to reject on review an application (No. A/H3/438) for a proposed development for office, shop and services and eating place at a site zoned "Residential (Group A)" ("R(A)") on the draft Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/32.

6. The review application was rejected by the Board for the reasons that the planning intention of "R(A)" zone was for high-density residential developments. The Applicant had not demonstrated that there were sufficient justifications to deviate from the planning

intention of the “R(A)” zone; and approval of the application would set an undesirable precedent for similar applications in the same “R(A)” zone. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.

7. Members noted that the hearing date of the appeal was yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(iii) Town Planning Appeal Decision Received

Town Planning Appeal No. 5 of 2018

Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Residential (Group D)” Zone, Lot 139 RP (Part) in D.D.108, Ta Shek Wu, Pat Heung, Yuen Long

(Application No. A/YL-PH/760)

[Open Meeting]

8. The Secretary reported that the appeal was against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/YL-PH/760) for a proposed temporary open storage of construction materials for a period of 3 years at the site zoned “Residential (Group D)” (“R(D)”) on the approved Pat Heung Outline Zoning Plan (OZP).

9. The appeal was heard by the Town Planning Appeal Board (TPAB) on 30.1.2019. On 13.3 2019, the appeal was dismissed by the TPAB for the following reasons:

- (a) the application was not in line with the planning intention of the “R(D)” zone and did not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E), the approval of the application would set an undesirable precedent;
- (b) the Appellant failed to provide strong justification to support that this was an exceptional case to deviate from the relevant planning intention and planning guidelines; and

- (c) the Appellant failed to provide any evidence to support that he had practical and feasible proposal to develop the appeal site with permanent building that would meet the planning intention. If the appeal was allowed, it would become a basis for the renewal of similar applications upon expiry of the three-year period, which would not be conducive to the long-term development of the appeal site.

(iv) Updated Appeal Statistics
[Open Meeting]

10. The Secretary reported that as at 19.3.2019, nine appeals were yet to be heard and two appeals' decisions were outstanding. Details of the appeal statistics were as follows :

Allowed	36
Dismissed	158
Abandoned/Withdrawn/Invalid	202
Yet to be Heard	9
Decision Outstanding	2
<hr/> Total	<hr/> 407

Hong Kong District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of Draft Urban Renewal Authority Queen's Road West / In Ku Lane Development Scheme Plan No. S/H3/URA3/1 and Consideration of Representations and Comments in respect of Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/32
(TPB Paper No. 10526)

[The item was conducted in Cantonese and English.]

11. The Secretary reported that the draft Development Scheme Plan (DSP) was located in Sai Ying Pun and Sheung Wan area (H3) and submitted by the Urban Renewal Authority (URA). The following Members had declared interests on the item for owning properties in Sai Ying Pun and Sheung Wan area; and/or having affiliation/business dealings with URA, Christian Family Service Centre (CFSC) which had been commissioned by the Urban Renewal Fund to act as the Social Service Team to provide assistance and advice to residents and operators affected by the Scheme and/or Ms Mary Mulvihill (R13/C3 of S/H3/URA3/1 and C2 of S/H3/32):

- | | | |
|---|---|---|
| Mr Raymond K.W. Lee
<i>(as Director of Planning)</i> | - | being a non-executive director of the URA Board and a member of the Planning, Development and Conservation Committee (PDCC) of URA |
| Mr Lincoln L.H. Huang | - | being the Deputy Chairman of Appeal Board Panel of URA |
| Mr Wilson Y.W. Fung | - | being a director of the Board of the Urban Renewal Fund of URA |
| Dr Lawrence W.C. Poon | - | being a non-executive director of the URA Board, a member of the Lands, Rehousing and Compensation Committee and PDCC, and a director of the Board of the Urban Renewal Fund of URA |
| Mr Philip S.L. Kan | - | formerly being an non-executive director of the URA Board and a director of the Board of the Urban Renewal Fund of URA |
| Mr Stephen H.B. Yau | - | being a past member of the Wan Chai District Advisory Committee of URA |

- Mr K.K. Cheung] their firm having current business dealings
Mr Alex T.H. Lai] with URA, CFSC and Ms Mary Mulvihill on
a contract basis from time to time
- Mr Stephen L.H. Liu - being a past member of the Wan Chai
District Advisory Committee of URA, his
former company having current business
dealings with URA and his company owning
an office unit at Queen's Road Central
- Mr Thomas O.S. Ho - having current business dealings with URA
- Mr Ivan C.S. Fu - being a director of the Board of the Urban
Renewal Fund of URA and having current
business dealings with Cheung Kong
Holdings Limited for the URA Peel Street /
Graham Street project
- Mr Ricky W.Y. Yu - being a director of the Urban Renewal Fund
of URA and Director and CEO of Light Be
(Social Realty) Co. Ltd. which was a
licensed user of a few URA's residential
units in Sheung Wan
- Mr L.T. Kwok - being the Chief Executive of the CFSC
- Ms Lilian S.K. Law - being a director of the Board of the Urban
Renewal Fund of URA
- Mr Daniel K.S. Lau - being a former Director (Development &
Marketing) of Hong Kong Housing Society
which was currently in discussion with URA
on housing development issues

Mr H.W. Cheung - being a former co-opt member of PDCC of URA and his spouse owning a flat at Queen's Road West

12. Members noted that Messrs L.T. Kwok, Ricky W.Y. Yu, Thomas O.S. Ho, Ivan C.S. Fu, K.K. Cheung and H.W. Cheung had tendered apologies for being unable to attend the meeting, and Messrs Alex T.H. Lai, Lincoln L.H. Huang, Stephen L.H. Liu and Dr Lawrence W.C. Poon had yet to arrive to join the meeting. As the interest of Mr Raymond K.W. Lee was considered direct, he should be invited to leave the meeting temporarily for this item. Members also noted that the interests of Messrs Wilson Y.W. Fung, Philip S.L. Kan, Stephen H.B. Yau, Daniel K.S. Lau and Ms Lilian S.K. Law were indirect, they should be allowed to stay in the meeting.

[Mr Raymond K.W. Lee, Director of Planning left the meeting temporarily at this point.]

13. The Chairperson said that reasonable notice had been given to the representers and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

Presentation and Question Sessions

14. The following government representatives, as well as representers, commenters and their representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

Mr Louis K.H. Kau - District Planning Officer/Hong Kong
(DPO/HK)

Mr Jerry Austin - Senior Town Planner/Hong Kong (STP/HK)

Representers/commenters and their Representatives

R2 of S/H3/URA3/1 – 梁威石及梁耀石

Mr Leung Wai Shek - Representor and Representor's representative
Ms Chu Mo Fong - Representor's representative

R11 of S/H3/URA3/1 and R2 of S/H3/32 – John Batten

Mr John Batten - Representor

R3 of S/H3/URA3/1 – 盧偉揚

Mr Lo Wai Yeung - Representor

R4 of S/H3/URA3/1 – 楊天發

Mr Yeung Tin Fat - Representor

R6 of S/H3/URA3/1 – Kam Chun Cheong

Mr Kam Chun Cheong - Representor

R8 of S/H3/URA3/1 – Ching Man Chun

Ms Ching Man Chun - Representor

R12 of S/H3/URA3/1 – Tang Ka Shun Grace

Ms Tang Ka Shun Grace - Representor

C1 of S/H3/32 – Tsim Sha Tsui Residents Concern Group

R13/C3 of S/H3/URA3/1 and C2 of S/H3/32 – Mary Mulvihill

Ms Mary Mulvihill - Representor, Commentor and Commentor's representative

C2 of S/H3/URA3/1 and C3 of S/H3/32 – Katty Law

C5 of S/H3/32 – Evelyn Moore

C6 of S/H3/32 – Melanie Moore

Ms Katty Law - Commentor and Commentors' representative

15. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representers, commenters or their representatives would then be invited to make oral submissions in turn according to their representation and comment number. To ensure the efficient operation of the meeting, each representer, commenter or their representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representers, commenters or their representatives had completed their oral submissions. Members could direct their questions to government representatives, representers, commenters or their representatives. After the Q&A session, the representers, commenters or their representatives and the government representatives would be invited to leave the meeting. The Board would deliberate on all the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

16. The Chairperson then invited PlanD's representative to brief Members on the representations and comments.

17. With the aid of a PowerPoint presentation, Mr Jerry Austin, STP/HK, PlanD briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's responses to the representations and comments as detailed in TPB Paper No. 10526 (the Paper).

[Ms Sandy H.Y. Wong, Miss Winnie W.M. Ng and Messrs Alex T.H. Lai and Franklin Yu arrived to join the meeting during the presentation.]

18. The Chairperson then invited the representers, commenters and their representatives to elaborate on their representations and comments.

R2 of S/H3/URA3/1 – 梁威石及梁耀石

19. Mr Leung Wai Shek made the following main points:

- (a) he represented the property owners of In Ku Lane who had three aspirations. When ambulances parked at Queen's Road West (QRW) near the hospitals, there was insufficient road space for the movement of double-decker buses and heavy goods vehicles. To address the traffic issue, the section of QRW bending outside the Development Scheme site should be widened and the pedestrian walkway should be set back towards the Development Scheme site;
- (b) there was odour from the existing In Ku Lane refuse collection point (RCP) occasionally. Modern design should be adopted in the proposed RCP to address the odour issue. Re-provisioning the affected RCP in the waterfront area away from the residential area could be a solution; and
- (c) there was insufficient open space for the elderly due to increasing aging population in Sheung Wan and the use of open space by domestic helpers on holidays. More open space with covered area should be provided in the Development Scheme site.

R11 of S/H3/URA3/1 and R2 of S/H3/32 – John Batten

20. With the aid of visualiser, Mr John Batten made the following main points:

- (a) he had lived in Po Hing Fong near the Development Scheme site for 25 years and set up the Central and Western Concern Group with Ms Katty Law to express views on the planning and development of the Central and Western District and on various development sites. All these sites, in common, were part of the historic urban fabric of Hong Kong and low-rise building clusters. They were important to Hong Kong, particularly to the Sheung Wan and Sai Ying Pun area which was an area with steep slope. Given that the Development Scheme site was at the lower level of Sheung Wan, the proposed high-rise building would block the air flow from the harbour. Besides, the ridgelines of the Peak viewing from Kowloon should be preserved;
- (b) the traffic conditions near the Development Scheme site abutting a narrow part

of QRW had been getting worse. New Street was a service street of Tung Wah Hospital. A traffic light was placed at the junction of New Street and QRW where many ambulances and community vehicles passed through. Together with the traffic lights near Queen's Street and Possession Street, there were three sets of traffic lights within 150m along that section of QRW causing traffic congestion. As shown on Drawing H-6 of the Paper, a large section of the pedestrian footpath at QRW outside the Development Scheme site would be used for vehicular access to the basement car park of the proposed development. It would result in traffic congestion at this particular section of QRW which was a major access road to Pok Fu Lam Road and Kennedy Town;

- (c) the existing low-rise buildings at the Development Scheme site which were in fairly satisfactory condition made up an important profile for the area and should not be demolished. The design of the new building was boring with access each in the front and at the back. The development model of URA to resume the properties, maximise the plot ratio and partner with a developer had been criticised; and
- (d) the need for providing a small elderly centre in the Development Scheme site was questionable. Quality residential homes for the elderly were what the community actually needed. Together with Sai Ying Pun Jockey Club Polyclinic, the hospital zone at Hospital Road and David Trench Rehabilitation Centre, the area was essentially a "Government, Institution or Community" ("G/IC") area with major community facilities.

R6 of S/H3/URA3/1 – Kam Chun Cheong

21. Mr Kam Chun Cheong made the following main points:

- (a) he supported the Development Scheme and the acquisition process should be accelerated;
- (b) the compensation for property owners who did not live at the Development

Scheme site should be the same as those who lived there; and

- (c) the redevelopment should be carried out as soon as possible since the building was in deteriorated conditions and the building did not comply with the prevailing fire safety and building safety regulations.

R8 of S/H3/URA3/1 – Ching Man Chun

22. Ms Ching Man Chun made the following main points:

- (a) she was the mother of Mr Kam Chun Cheong. She lived at the Development Scheme site with her younger son. The property was built by her father-in-law in the 1960s;
- (b) the hygiene of the Development Scheme site was poor with drainage and rodent problems and illegal structures at the back lane. The drainage problem was solved after the repairing works carried out by the Drainage Services Department; and
- (c) the local residents including herself had been frequently affected by the odour problem of the existing RCP. The proposed RCP should be carefully designed to avoid odour impact on the future and nearby residents.

R12 of S/H3/URA3/1 – Tang Ka Shun Grace

23. Ms Tang Ka Shun Grace made the following main points:

- (a) some of the buildings within the Development Scheme site were built in 1966 by her father who made great efforts to finance the construction of 135 to 139 QRW;
- (b) as shown on Plan H-6 of the Paper, the private buildings within the Development Scheme site were constructed in the 1960s while the existing RCP was completed over 15 years later in 1985. It was stated in PlanD's

response to grounds of representation in paragraph 6.3.2 of the Paper that the building conditions were 'dilapidated with poor hygiene'. RCPs were frequently associated with environmental problems. The streets would be wet and slippery with odours from garbage, noise from refuse collection vehicles and disease-transmitting pests such as rats and cockroaches. If the RCP had not been built next to the private buildings, the buildings would not be subject to such poor hygiene conditions;

- (c) the building at 153 QRW built in 1941 was one of the two oldest buildings in the neighbourhood as shown on Plan H-6 of the Paper. It shared a common wall with the building at 151 QRW. No. 151 was included in the DSP while No. 153 was not. It was questionable why No. 153 was not included in the DSP; and
- (d) she was concerned about the structural stability of 153 QRW during the construction of the proposed redevelopment including the demolition of the common wall with 151 QRW, the excavation of the underground parking spaces, and the piling works of the proposed building. She opposed to the draft DSP.

C1 of S/H3/32 – Tsim Sha Tsui Residents Concern Group

R13/C3 of S/H3/URA3/1 and C2 of S/H3/32 – Mary Mulvihill

24. With the aid of visualiser, Ms Mary Mulvihill made the following main points:

- (a) URA did not deliver what they had promised to the community. For instance, public space including a garden and a sports hall originally proposed in the URA Sai Yee Street Project were not materialised according to an article of HK01. The community lost out when the redevelopment was not implemented in accordance with what had been proposed in the consultation stage. This experience was relevant to the Development Scheme under consideration;
- (b) the proposed public passageway at the Development Scheme site should be

shown as 'Road' but not zoned "G/IC" if it was not meant to be a community facility;

- (c) it was not satisfactory to provide a vehicular access at the Development Scheme site and allow traffic movements adjacent to the community facilities;
- (d) taking into account the shortfall of 391 places for Community Care Services facilities for the elderly and the views of Mr John Batten, the Development Scheme site should be developed into a low-rise development to provide the much needed community facilities and open space;
- (e) as an established built-up area with a long history, high-rise buildings should not be developed and parking spaces should not be provided at the Development Scheme site which would cause air ventilation and traffic problems. Also, the provision of minor relaxation of building height restriction in the DSP might result in additional building height due to the provision of car park and more car park would encourage car ownership;
- (f) there was only 13.2ha of land in the district allocated for G/IC facilities accounting for about 1m² per resident which was below the standard recommended in Hong Kong 2030+. The current amendments to the OZP failed to address the shortfall of community facilities;
- (g) the distribution of open space in the Central and Western District was uneven. There was excessive open space provided in the sub-areas of Central District (Extension) and Central District which were mainly commercial areas and waterfront areas with fewer residents while there was only a surplus of 0.94ha District Open Space (DOS) and a deficit of about 11ha Local Open Space (LOS) in the sub-areas of Kennedy Town and Mount Davis, Mid-Level West, Sai Ying Pun and Sheung Wan, and The Peak where there were lots of residents. Besides, according to the Hong Kong Planning Standards and Guidelines (HKPSG), the standard for open space provision in industrial, industrial-office, business and commercial areas was 0.5m² per worker. She enquired the number of workers in the district and the provision of open space

for them; and

- (h) the report on 'Public Open Space (POS) Accessibility in Hong Kong' by the Civic Exchange in October 2018 revealed that the accessibility of POS was important to the mental and physical health of Hong Kong residents. Small green urban parks could contribute to stress relief and mental restoration, promote social interaction and offer escape from the noise and crowds of an urban environment. This echoed the need for providing sitting-out area expressed by one of the representers. The report also stated that open space and sports grounds close to the local residents would be better utilized. This proved the importance of providing open space in the local area but not just in the waterfront area.

C2 of S/H3/URA3/1 and C3 of S/H3/32 – Katty Law

C5 of S/H3/32 – Evelyn Moore

C6 of S/H3/32 – Melanie Moore

25. With the aid of a PowerPoint presentation, Ms Katty Law made the following main points:

- (a) she supported two representations (R13 of S/H3/URA3/1 and R2 of S/H3/32). The Development Scheme site and its surrounding were a cluster of tenement houses. The major concern of the representers who were the property owners was not the building conditions but the odour of the existing RCP. The problems of the existing RCP should be tackled by the Government but not by the Development Scheme which proposed a single high-rise building among a cluster of low-rise tenement buildings that would cause traffic and air ventilation impacts;
- (b) there was a deficit of about 6.16ha LOS in the Central and Western District. Amongst the sub-areas in the district, the deficit of 4.99ha LOS in Sai Ying Pun and Sheung Wan was the largest, which was greater than the area of Sun Yat Sen Memorial Park. As mentioned by Ms Mary Mulvihill, taking into account the distribution of open space in the sub-areas with lots of residents,

the deficit of LOS was about 10.85ha which was about half of the size of Victoria Park. If the government had no intention to provide more LOS in these sub-areas through redevelopment projects, it would be difficult to address the deficit;

- (c) according to the Expert Evaluation on Air Ventilation Assessment of Sai Ying Pun and Sheung Wan Area conducted by Professor Edward Ng, CUHK, the building volume and site coverage of the Sai Ying Pun and Sheung Wan Area were high. The air ventilation on the whole was poor. It was important for the “G/IC” and “Open Space” (“O”) zones along the air paths to allow air penetration to the area and enhance the efficacy of the air paths. These zones should be maintained and enhanced with greenery. They should not be further developed with tall buildings or rezoned for bulky development in order to provide useful ‘lungs’ for air ventilation in the area;
- (d) some examples of open space in the URA redevelopment projects were cited. On the Master Layout Plan (MLP) of the redevelopment project of Graham Street and Peel Street (H18), there was POS in the area between Residential Tower B and the commercial use. As shown in a site photo, the POS was built but largely occupied by planters in the middle with two narrow passageways on both sides. The POS was different from the perception of open space on the MLP which was supposed to be a spacious area for enjoyment. In response to her enquiry, URA explained that the planters were proposed in the detailed design stage and the Central and Western District Council (C&WDC) was consulted. It indicated a problem that the Board and the concerned government departments could not monitor the detailed design of the POS. Besides, as mentioned by Ms Mary Mulvihill, the roof garden at the URA Sai Yee Street Project was not easily accessible and the enjoyment of the roof garden was restricted by the management of the premises;
- (e) the change in the URA Staunton Street / Wing Lee Street Project (H19) from redevelopment to preservation had demonstrated an alternative solution of urban renewal. It was important to preserve the tenement houses which reflected the historical urban landscape of the district. Given the deficiency of

LOS in the area, the land resumed by URA under the H19 Project should be rezoned to “O” and released to the public for enjoyment but not fenced off or redeveloped into bulky structures. The Government and URA should take this opportunity to explore the provision of open space in the H19 Project; and

- (f) from the above examples, good provision of open space and no loss of existing G/IC facilities and open space in the Development Scheme should be ensured. Requirements for the provision and design of the proposed open space should be clearly stated by the Board.

[The meeting was adjourned for a short break of 10 minutes.]

26. As the presentation from government representatives, the representers/commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers/commenters, their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties. The Chairperson then invited questions from Members.

27. Regarding the previous comments of the Board on the draft DSP raised at its meeting on 24.8.2018, the Chairperson and a Member enquired the follow-up actions taken by URA. In response, Mr Louis K.H. Kau, DPO/HK, PlanD said that it was on-going and URA would keep liaising with the concerned departments throughout the implementation of the project. The design of the podium and vehicular access would be further considered in the detailed design stage. For the reprovisioning of the existing POS, URA would liaise with the Leisure and Cultural Services Department (LCSD) and consider enhancement of the portion of Li Sing Street Playground outside the DSP area as part of the project if necessary. Besides, the reprovisioned RCP would comply with the Food and Environmental Hygiene Department (FEHD)’s prevailing requirements.

Open Space

28. The Chairperson and some Members raised the following questions:

- (a) the requirements and provision of open space in the Sai Ying Pun and Sheung Wan area, and when and how the provision of open space would be reviewed;
- (b) whether the working population was taken into account in the provision of open space;
- (c) the area extent of the neighbourhood served by a LOS and the location of any LOS in the vicinity of the Development Scheme site;
- (d) the details of reprovisioning of the existing POS in the Development Scheme site including the management agent and whether the proposed POS would be reduced to a passageway; and
- (e) for the area fenced off by URA in the H19 Project as mentioned by one of the representers, whether it could be released for public use and any difficulties would be involved.

29. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following points:

- (a) the existing provision of open space on the Sai Ying Pun and Sheung Wan OZP was about 14.59ha. In accordance with the HKPSG requirements based on the planned population, there would be a surplus of about 0.64ha DOS but a deficit of about 4.99ha LOS. From the wider district perspective, there would be a surplus of about 17.17ha DOS and a deficit of about 6.16ha LOS in the planned provision of open space in the Central and Western District. The overall planned provision of open space in the district was sufficient. In view of the shortfall of LOS, opportunities would be taken, where practicable, for increasing the open space provision in redevelopment projects. In general, the provision of open space would be reviewed when opportunities arose. For instance, a land use review was conducted in the context of the Kennedy Town and Mount Davis OZP in which rezoning of an area along the waterfront for provision of open space was made in 2016;

- (b) the results of the By-census in 2016 revealed that there was about 346,500 working population in the Central and Western District. Taking into account the required open space for residents, there was some open space in the existing provision for the working population. In reality, open spaces were share-used by both the local residents and working population;
- (c) according to the HKPSG, LOS was to serve the neighbourhood population but the extent of the neighbourhood served by a LOS was not defined. The deficit of LOS provision was computed from the planned provision against the HKPSG requirements based on the planned population of the area. The Li Sing Street Playground was the nearest LOS in the vicinity of the Development Scheme site;
- (d) while the Development Scheme could only achieve a no net loss in POS through reprovisioning due to the relatively small area of the site, the proposed POS would allow pedestrian and visual connection between QRW and the future soccer pitch. The reprovisioning of the open space and recreational facilities included a reconfigured 5-a-side soccer pitch, a basketball court and a sitting-out area. An elongated POS with sitting-out area and part of the 5-a-side soccer pitch would be provided in the western part of the Development Scheme site. It would serve as both an open space and a public passageway. The 5-a-side soccer pitch, basketball court and the sitting-out area would be handed back to LCSD for maintenance and management; and
- (e) URA, as the land owner, had the responsibility for providing a safe place for the use by the public. The fenced off area in the H19 Project was being used as a works area and URA had no objection to consider to temporarily release the area for public use upon completion of the works.

Car Parking Provision and Vehicular Access

30. The Chairperson and some Members had the following questions:

- (a) whether there should be vehicular access at QRW and whether the arrangement

was requested by the Transport Department (TD) or proposed by URA; and

- (b) what kind of parking spaces would be provided in the Development Scheme site, and the reasons for TD to request for car parking spaces at the proposed development, given the traffic congestion problem in the Central and Western District.

31. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following points:

- (a) as stated by the representative of URA at the Board's meeting on 24.8.2018, the proposal of having an access at In Ku Lane for the RCP and a separate vehicular access at QRW for the carpark of the proposed residential development was requested by TD. A Traffic Impact Assessment for the redevelopment proposed with the proposed access arrangement had been conducted by URA and was accepted by TD. Whether a shored access could be provided at In Ku Lane would be subject to further liaison between URA and TD; and
- (b) in view of the insufficiency of car parking spaces in Hong Kong in recent years, TD took the opportunities to review the parking provision in each of the redevelopment projects. The proposed car parking spaces were meant to serve the residents of the proposed development, not the public.

The Layout and Development Restrictions

32. The Chairperson and a Member had the following questions:

- (a) any requirement in building disposition to restrict the proposed development atop the RCP and public toilet; and
- (b) whether the plot ratio and building height of the proposed development had been maximised.

33. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following points:

- (a) there was no requirement in building disposition to restrict the proposed development atop the RCP and public toilet. The air ventilation consideration was taken into account in URA's indicative scheme. According to the Expert Evaluation (EE) on the air ventilation assessment submitted by URA, the notional scheme with an at-grade POS connecting QRW and Li Sing Street Playground and a 3-storey podium at the original "G/IC" site basically conformed to the recommendations of the EE on Sai Ying Pun & Sheung Wan Area conducted in 2010; and
- (b) the plot ratio proposed in the indicative scheme had been maximised in accordance with the Building (Planning) Regulations and the proposed building height of 130mPD was the maximum permitted under the draft DSP. According to the Remarks of the draft DSP, minor relaxation of the building height restriction might be considered by the Board on application under Section 16 of the Town Planning Ordinance based on the individual merits of a development or redevelopment proposal.

The RCP and Public Toilet

34. The Chairperson and a Member had the following questions:

- (a) whether addressing the problems of the existing RCP was a prerequisite of the proposed redevelopment; and
- (b) the maintenance and management agent of the reprovisioned RCP and public toilet, and whether this agent had any requirements in the layout and design of these facilities.

35. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following points:

- (c) the Development Scheme was proposed by URA mainly on consideration of the development potential. Addressing the concern on the environmental nuisance caused by the existing RCP was not the objective of the

redevelopment proposal; and

- (a) upon completion of the redevelopment, the RCP and public toilet would be handed back to FEHD. URA would liaise with FEHD on their design requirements at a later stage.

153 Queen's Road West

36. In response to a Member's question about the structural safety concern of 153 QRW immediately adjacent to the proposed redevelopment project, Mr Louis K.H. Kau, DPO/HK, PlanD said that it was not uncommon to carry out redevelopment in-between buildings with common walls in the urban area. Necessary technical measures such as supporting structures against the wall to the east of 153 QRW could be provided during the implementation of the Development Scheme under the relevant ordinance.

37. In response to the Chairperson and a Member's further question related to 153 QRW and the delineation of the Development Scheme boundary, Ms Tang Ka Shun Grace (R12 of S/H3/URA3/1) said that her question was why the building was not included in the Development Scheme, given that the building was much older than those within the Development Scheme site. In response, Mr Louis K.H. Kau, DPO/HK, PlanD said that as explained by the representative of URA at the Board's meeting on 24.8.2018, URA had taken into account a number of considerations including building conditions, building age and ownership in delineating the Development Scheme boundary. The building of 153 QRW was under single ownership, and its owner had not registered any interest to be included in the DSP.

Others

38. In response to a Member's question about the details of the social impact assessment (SIA) report submitted by the URA, Mr Louis K.H. Kau, DPO/HK, PlanD said that the SIA assessed the domestic household impact and re-housing needs of the affected residents and the business impact on the affected business operators. The findings including a summary of the domestic household characteristics and socio-economic characteristics such as age group and

monthly income were included in the paper submitted to the Board for consideration at its meeting on 24.8.2018.

39. In response to a Member's question about the details of the consultation of the C&WDC, Mr Louis K.H. Kau, DPO/HK, PlanD said that URA consulted C&WDC on the draft DSP on 10.5.2018. The C&WDC members raised comments on the affected 5-a-side soccer pitch, the inclusion of the whole Li Sing Street Playground for enhancement, the provision of sufficient POS and facilities for different cohorts of citizens, the impact of the RCP and the provision of elderly welfare facilities at the proposed development. Their major comments and URA's responses were summarised in the paper submitted to the Board for consideration on 24.8.2018.

40. In response to a Member's question on whether there was a comprehensive waste management plan in the district, Mr Louis K.H. Kau, DPO/HK, PlanD said that the Environmental Bureau (ENB) had an overall strategy of waste management in the territory. Whether the proposed RCP could be a waste collection point for the wider district would be subject to ENB's consideration.

[Miss Winnie W.M. Ng left the meeting temporarily and Messrs Alex T.H. Lai and Philip S.L. Kan left the meeting during the Q&A session.]

41. As Members had no further questions to raise, the Chairperson said that the hearing procedure for the presentation had been completed. The Board would further deliberate on the representations and comments and inform the representers and commenters of the Board's decision in due course. The Chairperson thanked the representers and commenters and their representatives and the government representatives for attending the meeting. They left the meeting at this point.

42. The deliberation session was reported under confidential cover.

43. Since the applicant's representative of Agenda Item 5 had arrived, the Chairperson suggested and Members agreed to consider Agenda Item 5 first.

[Peter K.T. Yuen left the meeting at this point.]

[Mr Raymond K.W. Lee, Director of Planning returned, and Mr Lincoln L.H. Huang and Dr Lawrence W.C. Poon arrived to join the meeting at this point.]

Sha Tin, Tai Po & North District

Agenda Items 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LT/656

Proposed House (New Territories Exempted House - Small House) and Filling of Land in “Agriculture” Zone, Lots 623 S.A and 623 S.B in D.D. 8, Ma Po Mei, Lam Tsuen, Tai Po (TPB Paper No. 10528)

[The item was conducted in Cantonese.]

44. The following representatives of the Planning Department (PlanD) and the applicant were invited to the meeting:

PlanD’s Representative

Ms Jessica H.F. Chu - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN)

Applicant’s Representative

Mr Hung Shu Ping

45. The Chairperson extended a welcome and briefly explained the procedure of the review hearing. She then invited DPO/STN, PlanD to brief Members on the review application.

46. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town

Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10528 (the Paper).

47. The Chairperson then invited the applicant's representative to elaborate on the review application. With the aid of visualiser, Mr Hung Shu Ping made the following main points:

- (a) should the subject application be approved, the applicant would submit a natural terrain hazard study (NTHS) as requested by the Head of Geotechnical Engineering Office, the Civil Engineering and Development Department (H(GEO), CEDD); and
- (b) there were two previous applications for Small House development in the subject "Agricultural" ("AGR") zone. The Site was the only available land owned by the applicant. The proposed Small House development located adjacent to the existing village cluster was considered appropriate.

48. As the presentations of PlanD's representative and the applicant's representative were completed, the Chairperson invited questions from Members.

49. Noting H(GEO), CEDD's comments, the Chairperson and a Member raised a question on the details of the required geotechnical assessments. In response, Ms Jessica H.F. Chu said that the applicant was required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning application and to commit to undertake a NTHS and provide necessary mitigation measures as part of the proposed development. For the subject application, the applicant only committed to undertake a detailed terrain survey report upon obtaining approval from the Board. Therefore, H(GEO) maintained his views of having in-principle objection to the application. Mr Hung Shu Ping said that since time and money would be involved for conducting the required geotechnical assessment, the applicant had undertaken to conduct the assessment only upon approval of the subject application.

50. Mr Raymond K.W. Lee, Director of Planning asked the latest situation of the approved application No. A/NE-LT/268 and the two previous rejected applications mentioned in paragraph 4.6 in the Paper. With the aid of a PowerPoint slide, Ms Jessica H.F. Chu said that the permission for application No. A/NE-LT/268 had already lapsed and the two previous

applications (No. A/NE-LT/411 and 412) were submitted by different applicants for Small House development. Mr Hung Shu Ping said that the two previous applications were submitted by the applicant's father and elder brother and rejected by the Board. Since land was later available within the "V" zone of Ma Po Mei and Tai Mong Che for their Small House development, they did not apply for review of the RNTPC's decisions under section 17 of the Town Planning Ordinance.

51. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked the government representative and the applicant's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

52. Apart from the absence of any geotechnical assessment from the applicant, in support of the application, Members noted that the more critical reasons for rejecting the application were that the subject application was fundamentally rejected on the two other grounds that the proposed development was not in line with the planning intention of the subject "AGR" zone and land was still available within the "V" zone of Ma Po Mei and Tai Mong Che for Small House development. There was no major change in the planning circumstances since the consideration of the subject application by the RNTPC on 7.12.2018.

53. After deliberation, the Board decided to reject the application on review for the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Agricultural” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Ma

Po Mei and Tai Mong Che which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.”

54. Members also noted that the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no information in the submission to demonstrate that the proposed development would not have adverse geotechnical impact on the surrounding area.

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LT/654

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone,
Lot 257 S.B in D.D. 8, Tai Mong Che, Lam Tsuen, Tai Po
(TPB Paper No. 10527)

[The item was conducted in Cantonese.]

55. The following representative of the Planning Department (PlanD) was invited to the meeting:

Ms Jessica H.F. Chu - District Planning Officer/Shu Tin, Tai Po and
North (DPO/STN)

56. The Chairperson extended a welcome and informed Members that the applicant had indicated that he would not attend the meeting. She then invited DPO/STN, PlanD to brief Members on the review application.

57. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town

Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10527 (the Paper).

58. As the presentation of PlanD's representative was completed, the Chairperson invited questions from Members.

59. As Members had no question on the application, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked the government representative for attending the meeting. She left the meeting at this point.

Deliberation Session

60. The Chairperson said that as the applicant had submitted a Geotechnical Planning Review Report in support of the planning application and had committed to undertake a Natural Terrain Hazard Study and the Head of Geotechnical Engineering Office, the Civil Engineering and Development Department had no comment on the review application, the rejection reason (b) in paragraph 1.2 of the Paper had been addressed. Notwithstanding, Members considered that there was no significant change in the planning circumstances since the consideration of the subject application by the RNTPC on 2.11.2018.

61. After deliberation, the Board decided to reject the application on review for the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Agricultural” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Tai Mong Che and Ma Po Mei which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed

Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.”

[Messrs Daniel K.S. Lau, Stanley T.S. Choi and Franklin Yu left the meeting at this point.]

[The meeting was adjourned for lunch break at 1:30p.m.]

[Mr Frankie W.S. Yeung, Mr Stephen L.H. Liu and Dr Lawrence K.C. Li arrived to join the meeting, and Ms Winnie W.M. Ng returned to the meeting at this point.]

62. The meeting was resumed at 2:40 p.m. on 29.3.2019.

63. The following Members and the Secretary were present at the resumed meeting:

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Mr F.C. Chan

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Mr Wilson Y.W. Fung

Dr C.H. Hau

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Terence S.W. Tsang

Deputy Director (General)
Lands Department
Ms Karen P.Y. Chan

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

Chief Traffic Engineer (Hong Kong)
Transport Department
Mr Eddie S.K. Leung

Director of Planning
Mr Raymond K.W. Lee

Hong Kong District

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/H3/436

Proposed Office, Shop and Services and Eating Place in “Residential (Group A) 9” Zone, 36
Gage Street, Sheung Wan, Hong Kong

(TPB Paper No. 10530)

[The item was conducted in Cantonese.]

64. The Secretary reported that the application site was located in Sai Ying Pun and Sheung Wan area and the applicant was a subsidiary of Sino Land Company Limited (Sino) with Llewelyn Davies Hong Kong Ltd. (LD) and Ove Arup & Partners Hong Kong Limited (Arup) being two of the applicant’s consultants and the following Members had declared interests in the item :

- Professor S.C. Wong
(Vice-chairperson) - having current business dealings with Arup and being a traffic consultant of Arup

- Mr Ivan C.S. Fu - having current business dealings with Sino and Arup

- Mr K.K. Cheung]
] their firm having current business dealings
] with Sino and Arup
- Mr Alex T.H. Lai]

- Mr Ricky W.Y. Yu - his firm having current business dealings with LD

- Mr Franklin Yu - having past business dealings with Arup

- Mr Thomas O.S. Ho - having past business dealings with LD

- Mr Stephen L.H. Liu - having past business dealings with LD and his company owning an office unit at Queen's Road Central

- Mr H.W. Cheung - his spouse owning a flat at Queen's Road West

65. Members noted that Mr Ivan C.S. Fu, Mr K.K. Cheung, Mr Ricky W.Y. Yu, Mr Thomas O.S. Ho and Mr H.W. Cheung had tendered apologies for being unable to attend the meeting and Mr Alex T.H. Lai and Mr Franklin Yu had left the meeting, and agreed that as Professor S.C. Wong and Mr Stephen L.H. Liu had no involvement in the application, they could stay in the meeting.

Presentation and Question Sessions

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

Planning Department (PlanD)

Mr Louis K.H. Kau - District Planning Officer/Hong Kong
(DPO/HK)

Mr Jerry Austin - Senior Town Planner/Hong Kong
(STP/HK)

Applicant

Sheen Honour Limited -]

Yeung Chun Yu John]

]

Chau Lam Architects &]

Associates -]

Fan Ka Wah Nicolas] Applicant's Representatives

]

Llewelyn-Davies Hong Kong]

Limited -]

Hui Chak Hung Dickson]

Ho Man In]

Tsang Hin Chi Frankie]

Presentation and Question Sessions

67. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

68. With the aid of a PowerPoint presentation, Mr Jerry Austin, STP/HK, briefed Members on the background of the review application including the consideration of the application by the Metro Planning committee (MPC) of the Town Planning Board (the Board),

departmental and public comments, planning considerations and assessments as detailed in TPB Paper No. 10530 (the Paper).

69. The Chairperson then invited the applicant's representatives to elaborate on the review application.

70. With the aid of a PowerPoint presentation, Mr Ho Man In, the applicant's representative, made the following main points:

Locational factors

- (a) the Site in "Residential (Group A)9" ("R(A)9") zone was situated in an area with a mix of commercial, retail and dining facilities. The area was easily accessible by MTR and the Central-Mid-Levels Escalator and Walkway System. Many commercial developments such as offices, hotels, and food and beverage business could be found in the vicinity i.e. the SOHO;

Constraints for residential development

- (b) the small site area had posed severe constraint for redevelopment. Owing to the development restrictions stipulated in the Building (Planning) Regulations (B(P)R) under the Buildings Ordinance, if the Site was used for residential development which was subject to a maximum site coverage (SC) restriction of 40%, after taking into account all technical requirements including means of escape, separation distance between bathroom door and kitchen bench etc., only a total of nine duplex flats of very small size (about 97ft² per duplex floor) could be developed. The livable space for each unit would be unreasonably small and it was undesirable to develop these so-called "nano-flats";
- (c) taken into account the comments from relevant government departments, the applicant had also prepared an alternative notional scheme with reduced overall building height and the lowest three floors used for

commercial purpose. The resultant improvement in residential unit size was minimal and the livable area per unit remained very small and unreasonable. In contrast, commercial development, which had less stringent restriction on SC, was more suitable at small sites like the Site. High-quality office space suitable for start-ups/small and medium enterprises could be provided to meet the continuously growing demand. Well On Commercial Building at Wellington Street, Zhongcai Centre at Queen's Road Central, New York House at Connaught Road Central and Mandarin Commercial House at Morrison Hill Road, with site areas ranging from about 68m² to 120m², were good examples of this type of commercial development;

- (d) the applicant had also explored the feasibility of site amalgamation but considered it highly impractical as the Site, with an area of about 88m², was sandwiched between an existing residential building at 28-24 Gage Street with fragmented ownership and a refuse collection point (RCP) operated by the Food and Environmental Hygiene Department (FEHD);

Preservation of Pak Tsz Lane (PTL) and other planning merits

- (e) the Site was situated along the Dr Sun Yat-sen Historical Trail (the Historical Trail). The passageway within the Site was leading to PTL, which was accorded with Grade 1 historic status. It was expected that the number of visitors to PTL would continue to grow. From land use compatibility point of view, the proposed commercial development would be more compatible with PTL as visitors/guided tours tended to visit PTL on weekends, and the commercial development was also less susceptible to disturbance caused by the large number of visitors to PTL. The applicant would undertake to preserve the passageway to PTL in the proposed commercial development. This should be considered as a planning gain for the community;
- (f) moreover, as the proposed commercial building would not depend on openable windows for air ventilation, it was less sensitive to the odour

issue associated with the adjacent RCP and could also act as a buffer for the residential development at 28-34 Gage Street; and

- (g) the proposed commercial development was in line with the relevant Town Planning Board Guidelines (TPB-PG No.5) and relevant technical departments had no adverse comment on the application.

71. As the presentations from the representatives of PlanD and the applicant had been completed, the Chairperson invited questions from Members.

72. The Chairperson and some Members raised the following questions:

- (a) whether planning permission was required for the proposed development of a pure commercial building at the Site;
- (b) what the background was for approving similar applications No. A/H3/402 and A/H3/432 and whether the considerations were applicable to the current application;
- (c) background of the office development at the “Commercial (7)” (“C(7)”) zone located opposite to the Site along Gage Street;
- (d) whether there was scope to redevelop the Site with the adjacent RCP so that the constraints due to limited site area could be resolved;
- (e) one might argue that if the application was not approved by the Board, the existing 5-storey residential building at the Site would unlikely be redeveloped and thus in practical terms, it would not help address the shortage in housing land supply. What was PlanD’s assessment in this regard;
- (f) information on the gross floor area (GFA) of the existing residential building at the Site, and the maximum permissible plot ratio (PR) if the Site was redeveloped for residential and commercial uses respectively; and

- (g) from the conservation perspective, which type of development, say residential or commercial, would represent a better scenario for the maintenance of the passageway leading to PTL.

73. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points with the aid of some PowerPoint slides and the visualiser:

- (a) according to the Notes of the OZP, some commercial uses were always permitted on the lowest three floors of a building in “R(A)9” zone. Many of the existing residential buildings in the vicinity of the Site had retail shops on the lower floors. The current proposal involving a commercial building with 21 storeys would require planning permission from the Town Planning Board;
- (b) applications No. A/H3/402 and A/H3/432 involved the same application site at 2-4 Shelley Street. That site was surrounded on three sides by existing commercial buildings. Application No. A/H3/402 for development of an office building with shops on the lowest three floors was approved in 2012 before the announcement of the policy to address the pressing need for housing was in place. The subsequent application No. A/H3/432 mainly involved changing two floors from office use to shops. As for the current application, with the exception of a service apartment building at the corner of Gage Street and Graham Street and two to three other commercial buildings, the street block in which the Site was located was all occupied by residential developments. The Site was located in a predominantly residential neighbourhood and had no previous planning approval for commercial development. The planning history and context of the two applications quoted by the applicant were unique and not comparable with the current application;
- (c) the Urban Renewal Authority (URA) Development Scheme of Peel/Graham Street (the H18 Scheme) was located to the east of the Site across the street. Under the H18 Scheme, Sites A and B were planned for

residential developments whereas Site C was planned for office/hotel development;

- (d) the area zoned “C(7)” opposite to the Site was rezoned from “Commercial/Residential” (“C/R”) in May 2010 to reflect the existing office building at that site taken into account the recommendations of the Study on Review of Metroplan and the Related Kowloon Density Study Review;
- (e) while it would be up to the applicant to explore the possibility of incorporating the adjacent RCP into the redevelopment proposal, noting the small size of the Site, technical difficulties in providing an interim RCP during the construction phase would need to be resolved;
- (f) many of the private lots in the immediate neighbourhood were similar to the Site in terms of size. If the subject application for office development was approved, it would create an undesirable precedent encouraging similar conversion in the neighbourhood with a cumulative impact on housing land supply;
- (g) the existing residential building had five floors and each floor had a domestic GFA of about 45 to 50m². Being a Class A site under the B(P)R, residential and commercial developments could be developed up to PR 8 and 15 respectively;
- (h) many of the residential buildings in the vicinity of the Site had a commercial portion with 100% SC on the lowest one to two floors. The area had a lively character and there was a constant flow of residents/shoppers. From the land use compatibility perspective, proper design measures could be adopted for a residential development to minimise the nuisance caused by visitors to PTL; and
- (i) in terms of maintenance cost for the passageway to PTL, a commercial development with a higher PR/GFA might be a more viable option as

compared to a residential development. In the long run, the maintenance cost could become a burden to the individual owners of a residential development compared to a commercial development if it was solely owned by a developer.

74. In response, Mr Dickson C.H. Hui and Mr Ho Man In, the applicant's representatives, made the following main points:

- (a) from a wider perspective, the split between residential and commercial developments in the neighbourhood surrounding the Site was about 50/50. The future office/hotel development in the H18 Scheme was just a few minutes' walk from the Site;
- (b) the Site was very small and not suitable for residential development. There was practically no high-rise residential development of similar size in Hong Kong. In contrast, office development at sites of similar size was not uncommon;
- (c) approval of the Site would not create an undesirable precedent as the planning circumstances of the Site were unique in that it was very small in size, had a passageway connecting to PTL, and was immediately adjacent to an RCP. Approval of the application for commercial development would represent an optimal way to fully utilise land resource;
- (d) the existing residential building at the Site had a GFA of about 277m², equivalent to a PR of 3.11. While a Class A site could be developed up to a domestic PR of 8 under B(P)R, according to the relevant Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) issued by the Buildings Department, a maximum SC restriction of 40% was applicable to the Site. As a result, the residential tower would become unreasonably "thin" with a very small usable area per floor. The applicant had submitted two notional schemes to test out the different designs to address the SC restrictions, the total GFA would range from about 594m² to 677m² only. The usable area per

floor achievable for residential development remained unreasonably small;

- (e) PNAP had stipulated the permissible SC corresponding to the height of the building. The existing building at the Site had a relatively large SC as it was low-rise with only five storeys. Under the notional residential scheme, the future building which was more than 61m in height would be subject to a maximum SC of 40%; and
- (f) if the site was used for residential developments, the responsibility and cost for maintaining the passageway to PTL would need to be borne by the owners of individual flats. Since only nine residential flats could be provided at the Site, this arrangement might result in an unreasonable burden for these owners in the long run. Residential development was always permitted in “R(A)9” zone, and there was no mechanism to ensure that the passageway would be preserved if the Site was redeveloped for residential purpose. However, if the Board approved the proposed commercial development, the Board could stipulate an approval condition to require proper preservation and maintenance of the passageway to PTL. It was more common for sites that required conservation/maintenance of historic buildings to be developed for commercial use rather than residential use.

75. The Chairperson and some Members then raised the following questions to the applicant’s representatives:

- (a) whether there was scope to enhance the design of the building by not developing to the maximum permissible PR under B(P)R; and
- (b) whether the use of the Site for residential or commercial development would have implications on the interface with the access to PTL.

76. In response, Mr Dickson C.H. Hui and Mr Yeung Chun Yu John, the applicant’s representatives, made the following main points:

- (a) even if the PR and GFA in the notional residential schemes was reduced, the SC restriction of 40% was still applicable. It would only mean that the units on the upper floors would be taken away and would not resolve the issue of inefficient layout and low usable area per floor; and
- (b) the visitors to PTL mostly concentrated on weekends and holidays. The proposed commercial development, which would generate traffic/pedestrian flow mostly during weekdays was considered more compatible. If the Site was used for residential development, the future residents would unlikely welcome the nuisance caused by a large number of tourists/visitors to PTL.

77. As Members had no further question, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

78. A Member said that if the Site was used for residential development based on the notional schemes submitted by the applicant, the flats would be very small in size and that was undesirable. Another Member opined that many old tenement buildings were built on site less than 100m². The main reason for very small flat size in the notional residential scheme was due to the more restrictive SC control under B(P)R for higher buildings. If the applicant was willing to reduce the building height to not exceeding 61m, there was scope to increase the permissible SC thereby improving the design. If the application was approved, the impact on the character of the street block should be duly considered. While the applicant expressed that the possibility of joint redevelopment with the adjacent residential building at 28-34 Gage Street was very limited due to fragmented ownership of that building, it was a common issue in many old districts and not a strong justification that warranted approval of the application. Three Members concurred and considered approval of the application would set an undesirable precedent for similar developments within the "R(A)9" zone. It was up to the applicant to explore the possibility to amalgamate the Site with other sites such as the

adjacent building/RCP to make the redevelopment scheme more viable. A Member said that if the site of the adjacent RCP could be released for development, there was scope for a more comprehensive residential development proposal to provide other environmentally-friendly features or community facilities while enhancing design flexibility. In this regard, another Member said that noting the area of the existing RCP was much larger than the Site, based on the established land administration practice, it was unlikely that this piece of government land could be used by the applicant to form part of the redevelopment scheme without going through a formal land disposal procedure i.e. tender or public auction etc. Therefore, at this stage, it was unlikely that the applicant could include the site occupied by the RCP into the redevelopment proposal.

79. A Member said that given the historic status of PTL and that the PTL Park had important cultural and conservation value, the ambience of the area, which was predominantly residential, needed to be preserved as much as possible and the proposed commercial building might alter the character of the area. Three Members considered that the proposed commercial building of 21 storeys was substantially taller than most of the existing residential buildings in its vicinity and might appear out of place. Another Member opined that from the financial return perspective, commercial development at the Site would likely be more attractive to the developer. However, there was no convincing justification to warrant a departure from the planning intention of the “R(A)9” zone and for the Board to approve the application.

80. The Vice-Chairperson said that despite the passageway and PTL was accorded with Grade 1 historic status, there was no statutory requirement for its preservation. As the passageway was located within a private lot, if the application was approved, the Board could stipulate a planning condition requiring proper maintenance of the passageway. This could be considered as a planning merit of approving the proposal. A Member concurred and said that preservation of the historic passageway was an important planning consideration. Two other Members considered that the merit of the current proposal was limited and unless the applicant could provide some additional measures to promote the preservation of the historic passageway or even enhance the nearby Historical Trail, there might not be a strong case for the Board to favorably consider the application. Regarding the concern on the preservation of historic passageway, a Member said that if building works affecting the historic

passageway were proposed, there was scope for the relevant departments to step-in if so warranted at the building plan submission stage.

81. In response to the Chairperson's enquiry, Mr Raymond K.W. Lee, Director of Planning, said that there was no requirement under the lease to preserve the historic passageway within the Site or to provide a right of way connecting PTL and Gage Street. The Government had established administrative procedures to alert the Commissioner for Heritage's Office (CHO) on building works in graded historic buildings so that suitable actions could be taken as appropriate.

82. After deliberation, the Board decided to reject the application on review for the following reasons:

- “ (a) the proposed office development is not in line with the planning intention of the “Residential (Group A)9” (“R(A)9”) zone which is for high-density residential developments. The applicant has not demonstrated that there are sufficient justifications to deviate from the planning intention of the “R(A)” zone; and
- (b) approval of the application would set an undesirable precedent for similar applications in the same “R(A)9” zone. The cumulative effect of approving such applications could aggravate the shortfall in the supply of housing land.”

[The meeting was adjourned for a short break of 10 minutes.]

[Mr Eddie S.K. Leung left the meeting at this point.]

Agenda Item 2 (continued)

Matters Arising

[The item was conducted in Cantonese.]

(i) [Confidential Item] [Closed Meeting]

83. The item was recorded under confidential cover.

Procedural Matters

Agenda Item 7

[Closed Meeting]

Agenda Item 8

[Closed Meeting]

Agenda Item 9

[Closed Meeting]

Agenda Item 10

[Closed Meeting]

84. The four items were recorded under confidential cover.

Agenda Item 11

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese]

85. There being no other business, the meeting was closed at 6:20 p.m..