

RESTRICTED

TOWN PLANNING BOARD

**Minutes of 670th Meeting of the
Metro Planning Committee held at 10:45 a.m. on 30.4.2021**

Present

Director of Planning
Mr Ivan M. K. Chung

Chairman

Mr Wilson Y.W. Fung

Vice-chairman

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Dr Roger C.K. Chan

Mr C.H. Tse

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Patrick K.H. Ho

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

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

Assistant Director (Regional 1), Lands Department
Mr Albert K.L. Cheung

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

Secretary

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Johanna W.Y. Cheng

Town Planner/Town Planning Board
Ms Denise M.S. Ho

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 669th MPC Meeting held on 16.4.2021

[Open Meeting]

2. The draft minutes of the 669th MPC meeting held on 16.4.2021 were confirmed without amendments.

Agenda Item 2

Matter Arising

[Open Meeting]

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

Tsuen Wan and West Kowloon District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/K5/829 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Non-polluting Industrial Use (Excluding Industrial Undertakings Involving the Use/Storage of Dangerous Goods) in “Other Specified Uses” annotated “Business (1)” Zone, Nos. 550-556 Castle Peak Road, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K5/829A)

Presentation and Question Sessions

4. With the aid of a PowerPoint presentation, Ms Jessica Y.C. Ho, STP/TWK, 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 non-polluting industrial use (excluding industrial undertakings involving the use/storage of dangerous goods);
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, one public comment from an individual raising concerns on the application 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 assessments set out in paragraph 11 of the Paper. The proposed development was generally in line with the planning intention of the “Other Specified Uses” annotated “Business (1)” (“OU(B)1”) zone and the proposed building height (BH) of not more than 130mPD complied with the BH restriction under the Outline Zoning Plan (OZP). The Secretary for Development gave policy support to the application under the Government’s new policy on revitalising pre-1987 industrial buildings (the Policy). The proposed development would provide full-height building setbacks of 3.5m from Wing Hong Street and 2m from both Yu Chau West Street and Castle Peak Road, which were in line with the OZP and/or Outline Development Plan (ODP)’s requirements for the purpose of street widening and streetscape improvement. A 3m voluntary setback from Castle Peak Road from 3/F upwards and vertical green walls, green roofs, planters and landscaped sky garden were also proposed. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

5. Some Members raised the following questions:
 - (a) any indication on the types of uses for the proposed workshops and whether pure office use would be permitted under the proposed scheme;
 - (b) elaboration on the creative façade design mentioned by the applicant and any proposal for canopies;
 - (c) details of the greening proposals, any greening proposed in the setback areas and irrigation method for the proposed vertical greening;
 - (d) the details and rationale for the setback requirements as stipulated on the ODP and OZP, whether the requirements were mandatory, and whether the applicants were required to surrender the setback areas to the Government and whether tree planting within the surrendered setback areas could be explored; and

- (e) any other applications for minor relaxation of PR restriction relating to the Policy within the Cheung Sha Wan Business District and along Castle Peak Road.

6. In response, Ms Jessica Y.C. Ho, STP/TWK, made the following main points:

- (a) the applicant indicated that the workshop was mainly for modern non-polluting industrial uses, including design and light industries. The proposed Scheme was for non-polluting industrial use, which by its definition did not include pure office use. If 'office' and/or 'shop and services' uses with minor relaxation of PR restriction were to be proposed, a fresh s.16 planning application with the support of technical assessments would be required;
- (b) the building façade design was shown in Drawing A-9 of the Paper but the applicants had not provided details on what the creative façade design features were. The applicants indicated that glass wall with an acceptable level of external reflectance would be adopted to minimise glare. The proposed scheme had not included any canopies;
- (c) the landscape master plan (LMP) in Drawing A-12 showed that at the corner of Yu Chau West Street and Castle Peak Road, shrubs were proposed in planters within the recessed areas on ground floor of the building. At the corner of Wing Hong Street and Yu Chau West Street, vertical greening was proposed. A sky garden was proposed on 13/F and upper level green roofs were proposed on the peripheral areas of 1/F, 2/F, 3/F and on the roof top. The setback areas along the three sides of the application site (the Site) were proposed to be paved but without greening or tree plantings. Regarding tree planting within the surrendered setback areas, the applicant would need to consult relevant government departments on the suitability for tree-planting, the management and maintenance responsibilities and the land administrative arrangements. The applicants advised that they would use water pipe or sprinkler system for irrigation

and details would be decided at the detailed design stage;

- (d) as shown on Plan A-2, the ODP required full-height building setbacks of 3.5m from Wing Hong Street and 2m from both Yu Chau West Street and Castle Peak Road as well as the provision of corner splay at the two street corners. The setback of 2m from Castle Peak Road was also a requirement under the OZP. The setback requirements were for street widening and streetscape improvement and there was no specific requirement for tree planting in the setback areas. The setback requirement under the OZP was statutory and mandatory whereas those required under the ODP were administrative in nature. Government departments would normally urge the site owners to incorporate the ODP requirements upon redevelopments, even though they were administrative, but there were examples of redevelopments which had not followed the ODP setback requirements. The applicants had indicated that they intended to surrender the setback areas to the Government; and
- (e) as shown on Plan A-1, there were five planning permissions granted for similar minor relaxation of PR and/or BH restriction relating to the Policy within the northern part of the Cheung Sha Wan Business District. The current application was the first application along Castle Peak Road. To the immediate east of the Site, the industrial buildings were relatively new and did not qualify for the Policy. To the west of the Site, most of the buildings were pre-1987 industrial buildings which qualified for the Policy but no planning application for minor relaxation of PR had been received so far.

Deliberation Session

7. Members generally considered that other than providing the setback as required under the OZP and ODP, the applicant had not provided sufficient planning and design merits to support the minor relaxation of PR restriction being sought.

8. A few Members considered that the current proposals on ways to enhance the pedestrian environment and streetscape through greening not satisfactory as no trees/plants

were proposed in the setback areas, only minor portion of the proposed greening would be at pedestrian level, and the irrigation method for proper maintenance of the greenery was not provided. A Member also said that the LMP provided in Drawings A-12 to A-14 lacked details for a proper understanding of the proposal.

9. A few Members considered there was room to provide canopies and/or recessed areas within the building for providing a more pedestrian friendly environment and streetscape. A Member further pointed out that the existing building had a canopy and the proposed Scheme would be worse off in that regard. Another Member suggested that information on the glass wall to be used should be provided as it would affect glare impacts as well as energy saving and comfort of the future users within the building. The Member also said that the applicant should clarify what rating for BEAM-Plus the project would comply with. On glare impact, Members noted that the external reflectance would be less than 20%.

10. Members generally considered that the applicant had not provided sufficient information for the Board to make a decision on the application and considered it prudent to defer a decision on the application pending the applicant's submission of supplementary information.

11. After deliberation, the Committee decided to defer a decision on the application pending the applicant's submission of further information on how the proposed scheme could be enhanced taking account of Members' views, including more details on greening and landscaping proposals, improvement to streetscape/pedestrian environment, and elaboration on other planning and design merits for the Committee's further consideration.

[The Chairman thanked Ms Jessica Y.C. Ho, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/K5/830 Proposed Religious Institution (Church) in “Residential (Group A) 7”
Zone, G/F (Portion) and 1/F, 232 Fuk Wing Street, Kowloon
(MPC Paper No. A/K5/830A)

12. The Committee noted that the applicant’s representative requested on 14.4.2021 deferment of consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had not submitted further information but indicated that more time was required to finalise a traffic survey report to address departmental comments.

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

Hong Kong District

[Mr Mann M.H. Chow, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/H14/83 Proposed Public Utility Installation (Telecommunications Radio Base Station) in “Green Belt” Zone, Government Land adjacent to the Existing Mount Nicholson Microwave Station, Hong Kong
(MPC Paper No. A/H14/83)

14. The Secretary reported that the application was submitted by the Hong Kong Telecommunications Ltd. (HKT), which was the subsidiary of PCCW Limited (PCCW). Mr Alex T.H. Lai had declared an interest on the item for his former firm had business dealings with PCCW. 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

15. With the aid of a PowerPoint presentation, Mr Mann M.H. Chow, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications radio base station (TRBS));
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, a total of 53 public comments were received, with one supporting comment from an individual, 26 objecting comments and 26 expressing adverse views from the Kadoorie Farm & Botanic Garden Corporation, The Conservancy Association, Green Power, 環保協進會鳳園蝴蝶保育區, the Radio Television Hong Kong (RTHK), the Hong Kong Electric Company Limited and individuals. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Whilst there was a general presumption against development within the “Green Belt” zone, the proposed TRBS generally complied with the Town Planning Board Guidelines No. 10 in that the proposed TRBS was considered essential as it was intended to improve mobile telephone coverage in the area and no alternative location was available within the proposed coverage plan. The Director-General of Communications of the Office of the Communications Authority (DG of C, OFCA) had no comment on the proposal. The proposed installation was relatively small in scale and compatible with the surrounding areas. It would not involve clearance of existing vegetation, affect the natural landscape, nor cause any adverse visual impact on the surrounding environment. To address the possible impacts on the larval food plant *Aristolochia mollis* (柔毛馬兜鈴) of a rare butterfly species *Byasa confuses* (中華麝鳳蝶), relevant approval conditions were suggested by the Director of Agriculture, Fisheries and Conservation (DAFC) to ensure that appropriate mitigation measures would be undertaken throughout the construction period to minimise the impact on the butterfly species. A previous approval (No. A/H14/71) for the same applied use and with similar development parameters had been granted to the application site (the Site) and a similar application at the adjacent site had also been approved by the Committee before, approval of the current application was in line with the Committee's previous decisions. Other concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

16. Some Members raised the following questions:

- (a) the current use of the other stations on the hill-top of Mount Nicholson;
- (b) whether there would be chain link fencing or boundary walls around the

Site;

- (c) why the area of the Site was larger than that in the previous approved application;
- (d) whether other telecommunications companies would need to build similar facilities in the surrounding area on the hill-top of Mount Nicholson in future, whether there was scope or need to accommodate more operators within the Site, and whether sites were available within the “GB” zone for other similar stations if required;
- (e) whether the Government would impose any conditions to require the applicant to share the use of the TRBS with other operators, which authority would decide on the mechanism for sharing facilities and how the authority would monitor such provision; and
- (f) whether the applicant had a responsibility to manage and maintain the adjacent footpath.

17. In response, Mr Mann M.H. Chow, STP/HK, made the following main points:

- (a) as shown on Plan A-2 of the Paper, the station to the immediate east of the Site was the Mount Nicholson Microwave Station for digital television transmission. To the further east were the TVB’s Equipment and E&M Building and the RTHK’s Mount Nicholson TV Transposer Station;
- (b) as shown in Drawings A-2 and A-3 of the Paper, chain link fencing was proposed around the concrete footing. The applicant indicated that with the chain link fence, the proposed TRBS would not create additional security issue for other existing users nearby. No boundary wall would be erected;
- (c) the Site included the excavation area for construction of the concrete footing. Taking account of the sloping site conditions, a larger excavation

area was required for construction of the concrete footing in the proposed scheme, with the same coverage area but more depth as compared to that of the previous approved scheme. The excavation area for the proposed concrete footing would only be used during the construction period of about 2 to 3 months and would be reinstated afterwards;

- (d) the proposed TPBS was to improve the mobile phone coverage in the area. There was no information on whether other service providers would apply for similar facilities within the area later. However, the applicant indicated that the proposed TRBS could be shared by most mobile phone operators including CSL Mobile Limited, Hutchison Telecom Hong Kong, SmarTone Mobile Communications Limited and China Mobile Hong Kong Company Limited. There was not much space for erecting another station at the hill-top of Mount Nicholson;
- (e) OFCA had indicated no comment on the proposed scheme. If the application was approved, the applicant had to apply to OFCA for a licence to operate the TRBS. Details on the facilities requirements and how the facilities would be shared with other service providers were matters for the OFCA to further work out with the applicant and other service providers during the processing of the licence application. OFCA was responsible for overseeing the future provision of telecommunications services at the Site; and
- (f) the applicant indicated that it would share the maintenance cost of the adjacent footpath upon reinstatement with other users in the area and such details would be set out in the land grant of short term tenancy (STT) by the Lands Department (LandsD).

[Messrs Alex T.H. Lai and Thomas O.S. Ho left the meeting during the Question and Answer session.]

Deliberation Session

18. Members generally agreed that there was a need for the TRBS to provide better telecommunications services to the public. A few Members expressed concern that the proposed TRBS, which would occupy the strategic hill-top location where the public could enjoy the natural scenic view, might induce visual impact for visitors to the mountain top. A Member indicated reservation on the application as there was insufficient information on whether the proposed and existing facilities at and near the Site would be and had been fully utilised to enhance the overall telecommunications services to the general public. Other Members were generally of the view that the application could be approved but in order to better utilise the strategic hill-top area, the Government should take an active role to co-ordinate provision of similar telecommunications facilities amongst the service providers so that there would not be a proliferation of similar uses in the locality.

19. Regarding the applicant's claim that the TRBS could be shared by most mobile phone operators, some Members raised concern on whether the commitment for shared use would be realised and if not, whether the approval would give an advantage to the applicant. In response, the Chairman said that the Site was on government land and when the Government processed the STT and the licence relating to the proposed TRBS, appropriate control would be imposed.

20. Some Members raised concern on the potential ecological impacts on the larval food plant *Aristolochia mollis* for *Byasa confusus*. The Chairman referred Members to the recommended approval conditions in paragraph 12 of the Paper, which required the applicant to submit an ecological mitigation proposal, including engagement of an ecologist to confirm the location of *Aristolochia mollis* within or in the vicinity of the Site and scheduling the works outside the active period of *Byasa confusus*, and implementation of the measures in the ecological mitigation proposals. Members noted that DAFC would be responsible for monitoring the submission and implementation of the mitigation measures.

21. The Chairman said that Members generally agreed to approve the application and the detailed concerns on implementation could be dealt with in the processing of STT by LandsD and licence application by OFCA. Members also agreed to convey to OFCA the need for it to better co-ordinate with service providers in the provision and consolidation of

facilities for telecommunications services and to ensure the shared use of the TRBS by other mobile phone operators as submitted by the applicant.

22. 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 30.4.2025, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of an ecological mitigation proposal prior to the commencement of construction works, including but not limited to the engagement of an ecologist to confirm the location of *Aristolochia mollis* within or in the vicinity of the site, and scheduling of works outside the active period of *Byasa confusus*, to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (b) the implementation of the mitigation measures identified in approval condition (a) above throughout the construction period to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB; and
- (c) the provision of water supplies for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB.”

23. 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 Mann M.H. Chow, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

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

[Mr Ng Tak Wah, STP/HK, was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/H20/196 Shop and Services (Chinese Medical Clinic and Laundry) in “Other Specified Uses” annotated “Business” Zone, Part of Workshop 5, G/F, Cheung Tat Centre, 18 Cheung Lee Street, Chai Wan, Hong Kong
(MPC Paper No. A/H20/196)

24. The Secretary reported that the application was submitted by the Jetweal Development Ltd. (JD). Mr Alex T.H. Lai had declared an interest on the item for his former firm had business dealings with JD. The Committee noted that Mr Alex T.H. Lai had already left the meeting.

Presentation and Question Sessions

25. With the aid of a PowerPoint presentation, Mr Ng Tak Wah, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed shop and services (Chinese medical clinic and laundry);
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The applied use was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone which was intended for general business uses. The premises was also the subject of previous applications for the same use which were approved by the Committee on a temporary basis. The applied use was considered not

incompatible with other uses on the G/F of the subject building and those non-polluting industrial uses and industrial-related offices on the upper floors. The applied use in general complied with the Town Planning Board Guidelines No. 22D in that it would not induce adverse fire safety, traffic, environmental or infrastructural impacts. Concerned government departments had no objection to or no adverse comment on the application. The current application involved the same uses and premises as the last application (No. A/H20/191) except that the planning permission sought was changed from a temporary to permanent nature. A total of 16 similar applications on the ground floor of the subject building were approved and the approval of the subject application was consistent with the previous decisions of the Committee.

26. Some Members raised the following questions:

- (a) whether the permitted use would be for the specific shop and services use i.e. Chinese medical clinic and laundry and whether the applicant was required to submit another application for subsequent change in the type of 'shop and services' uses;
- (b) the reasons why the applicant changed the application from a temporary basis previously to a permanent basis in the current application, and whether there were different assessment criteria for considering applications for the same uses on a permanent instead of temporary basis; and
- (c) whether there were similar cases where applicants sought permission for similar uses on a permanent basis in the area.

27. In response, Mr Ng Tak Wah, STP/HK, made the following main points:

- (a) the planning permission would be for Chinese medical clinic and laundry use. A new application would be required for different types of 'shop and services' use;

- (b) the owner of the premises previously applied for temporary permission as he wanted to have a better understanding of the market conditions. The same tenant had rented the premises for the applied uses for some time now, and the owner planned for a long term commitment and therefore applied for permanent use in the current application. The criteria for assessing the applied uses, whether on temporary or permanent basis, were whether the proposed uses were in line with the planning intention of “OU(B) zone, whether it complied with the relevant guidelines (i.e. the aggregate commercial floor area on the ground floor of the subject building should not exceed the maximum permissible limit of 460m² for a building with sprinkler system) and compatibility with other uses within the building; and
- (c) the Board had granted planning permission for ‘shop and services’ uses at other premises within the same building as highlighted in paragraph 6.2 of the Paper and shown on Plan A-3. Some of the permissions were granted on a permanent basis.

28. In response to a Member’s question, the Secretary said that ‘shop and services’ uses within “Industrial” zone would normally be granted on a temporary basis. The current application premises fell within the “OU(B)” zone which was intended for general business uses. If the proposed ‘shop and services’ complied with the relevant guidelines, the Board might consider to approve it either on a temporary or permanent basis.

Deliberation Session

29. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB), and no time clause for commencement of the development was proposed as the ‘shop and services’ (Chinese medical clinic and laundry) use under the application was already in operation. The permission was subject to the following conditions :

- “(a) the submission and implementation of fire safety measures including the provision of fire service installations and equipment, and means of escape

separated from the industrial portion within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.10.2021; and

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

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

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H5/413 Proposed Flat with Minor Relaxation of Building Height Restriction in “Residential (Group A)” and “Residential (Group C)” Zones and area shown as ‘Road’, 31 - 36 Sau Wa Fong, Wan Chai, Hong Kong
(MPC Paper No. A/H5/413B)

31. The Secretary reported that KTA Planning Limited (KTA) was one of the consultants of the applicant. Mr Daniel K.S. Lau had declared an interest on the item for being a member and an ex-employee of the Hong Kong Housing Society which had business dealings with KTA.

32. The Committee noted that the applicant had requested deferment of consideration of the application and as Mr Daniel K.S. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

33. The Committee noted that the applicant's representatives requested on 23.4.2021 deferment of consideration of the application for one month in order to allow time to prepare

further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

34. 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 further information. Since it was the second deferment of the application at the request of the applicant and a total of two months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H5/414 Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use in "Residential (Group B)" Zone and area shown as 'Road', 33-35 Kennedy Road, Wan Chai, Hong Kong
(MPC Paper No. A/H5/414A)

35. The Secretary reported that T.K. Tsui & Associates Ltd. (TKT) was one of the consultants of the applicant. Mr Alex T.H. Lai had declared an interest on the item for his former firm had business dealings with TKT.

36. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Alex T.H. Lai had already left the meeting.

37. The Committee noted that the applicant's representatives requested on 13.4.2021

deferment of consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

Kowloon District

[Ms Katy C.W. Fung, District Planning Officer/ Kowloon (DPO/K), and Mr Mak Chung Hang, Senior Town Planner/ Kowloon (STP/K) were invited to the meeting at this point.]

Agenda Item 9

[Open Meeting]

Proposed Amendments to the Approved Ma Tau Kok Outline Zoning Plan No. S/K10/26
(MPC Paper No. 3/21)

39. The Secretary reported that the proposed amendments were to take forward the decision of the Committee on a s.12A application No. Y/K10/3. Ove Arup & Partners Hong Kong Limited (ARUP), Wong Tung & Partners Limited (WT) and MVA Hong Kong Ltd. (MVA) were three of the consultants of the s.12A application and one of the applicant's

representatives of the s.12A application, Mr Rembert S.K. Lai, was the **former** Council Member of the ~~Hong Kong Polytechnic University (HKPolyU)~~ *Hong Kong University of Science and Technology (HKUST)* and the Hong Kong Baptist University (HKBU). The following Members had declared interests on the item:

- Mr Wilson Y.W. Fung (the Vice-chairman) - being a **former** Council Member of ~~HKPolyU~~ *HKUST*;
- Mr Stanley T.S. Choi - being a **former** Council Member of ~~HKPolyU~~ *HKUST*;
- Ms Sandy H.Y. Wong - being a Council Member of HKBU;
- Mr Thomas O.S. Ho - having current business dealings with ARUP and MVA;
- Mr Alex T.H. Lai - his former firm having business dealings with ARUP and WT; and
- Mr Franklin Yu - having past business dealings with ARUP.

40. The Committee noted that Messrs Stanley T.S. Choi, Thomas O.S. Ho and Alex T.H. Lai had already left the meeting. As Mr Franklin Yu had no involvement in the s.12A application and Mr Wilson Y.W. Fung (the Vice-chairman) and Ms Sandy H.Y. Wong had no discussion with the applicant's representative on the s.12A application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

41. With the aid of a PowerPoint presentation, Mr Mak Chung Hang, STP/K, PlanD presented the proposed amendments as detailed in the Paper and covered the following main points:

Background

- (a) to take forward the decision of the Committee to partially agree to the s.12A application (No. Y/K10/3) on 21.8.2020, a site at 128 Carpenter Road, Kowloon City (the Site) was proposed to be rezoned for a composite commercial/residential development with the provision of a public vehicle park (PVP);

Proposed Amendments

- (b) Amendment Item A: rezoning the Site (about 5,921m²) from “Other Specified Uses” annotated “Commercial Development with Public Vehicle Park” (“OU(CDWPVP)”) to “Residential (Group A) 4” (“R(A)4”) subject to a maximum domestic plot ratio (PR) of 7.5 and total PR of 9.0 for a building which was partly domestic and partly non-domestic, and a building height restriction (BHR) of 100mPD. Requirement for the provision of a PVP was stipulated under the Notes of the outline zoning plan (OZP);
- (c) appropriate design measures as well as the provision of interim car parking arrangement during demolition and construction stages of the redevelopment were proposed to be included in the Explanatory Statement (ES) of the OZP;
- (d) Amendment Item B: rezoning a strip of land from “OU(CDWPVP)” to an area shown as ‘Road’ to reflect the existing road alignment and lot boundary of the Site;

Provision of Government, Institution or Community (GIC) Facilities and Open Space

- (e) the planned provision of GIC facilities was generally sufficient to meet the demand of the overall planned population, except secondary school, hospital beds and some social welfare facilities for child care and elderly services. The shortfalls in the planned provision of secondary school and hospital beds were assessed on a wider district basis and hospital cluster respectively and could be addressed by the provision in the adjoining area

within the Kowloon City District. As for child care centres and elderly services and facilities, the population-based requirements under the Hong Kong Planning Standards and Guidelines, which were reintroduced recently, were long-term goals and the actual provision would be subject to the consideration of the Social Welfare Department. There was a surplus provision of 4.18ha of district open space in the Ma Tau Kok planning scheme area (the Area). For local open space, there was a shortfall of 6.96ha and a surplus provision of 2.16ha in the Area and the wider Kowloon City District respectively; and

Consultation

- (f) an information note on the draft OZP would be issued to the Kowloon City District Council during the exhibition period of the draft OZP.

42. The Chairman recapitulated that the proposed amendments were to take forward a s.12A application partially agreed by the Committee. Subject to the agreement of the Committee, the draft OZP would be exhibited for public inspection in accordance with the plan-making process under the Town Planning Ordinance.

43. A Member asked how the urban design elements proposed by the applicant in the s.12A application, such as better interface with the Carpenter Road Park, would be reflected in the OZP. In response, Ms Katy C.W. Fung, DPO/K, said that the design measures proposed in the s12A application had been incorporated in paragraph 8.3.9 of the draft ES, which included setback requirement on the western part of the Site, at-grade internal pedestrian passage to connect Carpenter Road and Carpenter Road Park, sensitive design adjoining Carpenter Road Park, and provision of areas for public use as a gathering place/performance venue and premises for community use. These elements would be incorporated as appropriate at the lease modification and building plan stages.

44. In response to a Member's question on the development programme of the commercial/residential development, Ms Katy C.W. Fung, DPO/K, said that the applicant had indicated in the s.12A submission that the total development timeframe was about 70 months but there was no information on when the applicant would commence the project.

45. In response to the Chairman's question, Ms Katy C.W. Fung, DPO/K, said that subject to the agreement of the Committee, the draft OZP would be exhibited for public inspection and there would be a hearing of any representations received on the draft OZP. The applicant would also need to apply to the Lands Department for lease modification and submit general building plans to the Buildings Department.

46. After deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the approved Ma Tau Kok OZP No. S/K10/26 and that the draft Ma Tau Kok OZP No. S/K10/26A at Attachment II of the Paper (to be renumbered as S/K10/27 upon exhibition) and its Notes at Attachment III of the Paper are suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised ES at Attachment IV of the Paper for the draft Ma Tau Kok No. S/K10/26A as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP and the revised ES will be published together with the OZP.

47. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before their publication under the Ordinance. Any major revisions would be submitted for the Board's consideration.

[The Chairman thanked Ms Katy C.W. Fung, DPO/K, and Mr Mak Chung Hang, STP/K, for their attendance to answer Members' enquiries. They 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/K12/43 Proposed House in “Government, Institution or Community” Zone and area shown as ‘Road’, Lot 1663 (Part) in S.D.2, Ngau Chi Wan Village, Kowloon
(MPC Paper No. A/K12/43)

Presentation and Question Sessions

48. 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 house;
- (c) departmental comments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication period, one public comment from an individual objecting to the application, was received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed house development was considered not incompatible in land use term with the surrounding area and would not have any significant environment impacts, it was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone. The proposed development did not comply with the Town Planning Board Guidelines No. 16 in that it would adversely affect the provision of the planned community hall and other Government facilities in the district on a long-term basis. According to the District Officer/Wong Tai Sin, Home

Affairs Department (DO/WTS, HAD), there was still a demonstrated need for a community hall in the area and no similar facilities in the area could cater for the hosting of various types of community activities. DO/WTS, HAD also advised that the planned community hall would be integrated into the future comprehensive development for public housing with GIC facilities in Ngau Chi Wan Village (including the Site), being studied under an Engineering Feasibility Study (EFS). Whilst the EFS was still on-going and the Site was located at the northern edge of the village, approval of the application in a piecemeal manner was not desirable. As compared with application No. A/K12/39 that was approved by the Town Planning Appeal Board, the major difference was an increase in the building height (i.e. from 3-storey to 4-storey / 8.23m to 13m) under the current application. The Chief Architect/Central Management Division, Architectural Services Department (CA/CMB, ArchSD) considered that the 4-storey block with a height of 13m, which was significantly higher than the approved scheme, might be undesirable from visual impact point of view and might not be compatible with the adjacent Ngau Chi Wan Village with mainly low rise and temporary structure of one to three storeys. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD shared similar views that the current scheme was higher than that under application No. A/K12/39 and those of existing houses in the village. Regarding the public comment received, the comments of government departments and planning assessments above were relevant.

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

49. In response to a Member's question, Mr William W.L. Chan, STP/K, said a total of three sets of general building plan for a 3-storey house under application No. A/K12/39 with a lower GFA of 119m² were approved in 2017, 2018 and 2020 in compliance with the approval condition on not affecting the future road works. The applicant could build the house in accordance with the approved general building plans.

50. In response to others questions of the same Member, Mr William W.L. Chan, STP/K, said the applicant was different from that of the previous application. The applicant

had not provided the reasons for proposing a higher floor to floor height for 1/F and 3/F. The EFS of the public housing with GIC facilities in Ngau Chi Wan Village was scheduled for completion in 2021 and the study findings and recommendations for the area were not yet available.

Deliberation Session

51. Members generally agreed that the application should be rejected for reasons as suggested in paragraph 13.1 of the Paper. Noting that there was an increase in the building height from 3-storey to 4-storey (from 8.23m to 13m), Members noted and in general agreed with the comments of CA/CMB, ArchSD and CTP/UD&L, PlanD that the proposed 4-storey block with a height of 13m, which was significantly higher than that of the approved scheme and existing houses in the village, might be undesirable from visual impact point of view and might not be compatible with the adjacent Ngau Chi Wan Village with mainly low-rise structures. To reflect Members' consideration, the Chairman suggested and Members agreed that the rejection reasons should be modified as appropriate.

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

- “(a) the proposed house development is not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone which was intended primarily for the provision of Government, institution and community (G/IC) facilities serving the needs of the residents in the area/district;
- (b) the proposed house development does not comply with the Town Planning Board Guidelines for “Application for Development/Redevelopment within “G/IC” Zone for Uses other than GIC Uses” in that the proposed development would adversely affect the provision of the planned community hall and other Government facilities in the district on a long-term basis; and
- (c) the building height of the proposed development is not in keeping with the

surrounding low-rise structures in Ngau Chi Wan Village and would result in undesirable visual impact.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K8/49 Proposed Place of Recreation, Sports or Culture and permitted Playground in “Open Space” Zone, Ma Chai Hang Recreation Ground, 30 Ma Chai Hang Road, Wong Tai Sin
(MPC Paper No. A/K8/49)

53. The Secretary reported that the application was submitted by MTR Corporation Limited (MTRCL). MVA Hong Kong Limited (MVA) and WSP (Asia) Limited (WSP) were two of the consultants of the applicant. The following Members had declared interests on the item:

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

54. The Committee noted that Messrs Thomas O.S. Ho and Alex T.H. Lai had already left the meeting.

Presentation and Question Sessions

55. 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) proposed place of recreation, sports or culture and permitted playground;

- (c) departmental comments were set out in paragraph 8 of the Paper;
- (d) during the statutory publication periods, 23 public comments were received, including 4 objecting comments from individuals and 19 comments expressing concerns/suggestions on the application from a member of the Wong Tai Sin District Council, the Incorporated Owners of Tin Ma Court, the principals of Prince Memorial Catholic Primary School and Baptist Rainbow Primary School and individuals. Major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application was for reprovisioning the Ma Chai Hang Recreational Ground (MCHRG) affected by construction of the MTR Shatin to Central Link. Utilising part of the open space for the proposed sports centre and annex building (with a multi-purpose activity room) was generally in line with the planning intention of the “Open Space” (“O”) zone for active and/or passive recreational uses serving the needs of the local residents as well as the general public. The proposed sports centre, annex building, and other outdoor recreational spaces were considered not incompatible with the surroundings from land use perspective. The building heights of the proposed 5-storey sports centre and 2-storey annex building were compatible with those of the surrounding residential developments. Adequate building separation and setback at the Site were proposed. Relevant government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

56. A Member enquired on the proposed uses that required planning permission. In response, Mr William W.L. Chan, STP/K, said that according to the Notes of the “O” zone on the OZP, the proposed sports centre and Annex Building, which were regarded as ‘Place of Recreation, Sports or Culture’, required planning permission from the Town Planning Board.

The Secretary supplemented that open park areas did not require planning permission, but more substantive structures such as the indoor swimming pool complex in Victoria Park would be regarded as a 'Place of Recreation, Sports or Culture' that required planning permission within "O" zone. The Chairman said that the Committee should focus its consideration on the proposed uses rather than the detailed design.

57. Some Members raised the following questions:

- (a) whether using some open area for buildings (i.e. the sports centre and annex building) had any implication on the open space provision on the district level;
- (b) the rationale for the proposed location of the sports centre within the application site (the Site) and whether there was information on how the indoor and outdoor facilities could be better integrated; and
- (c) if local organisations would like to rent the open area for some traditional festivals, whether it would be subject to the approval of the Leisure and Cultural Services Department (LCSD).

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

- (a) with the reprovisioning of the MCHRG, the local open space and district open space provisions within the Wang Tau Hom and Tung Tau planning scheme area were adequate according to the Hong Kong Planning Standards and Guidelines;
- (b) while the applicant did not explain the rationale for siting the sports centre at the northeast corner of the Site, it might be due to its location near Choi Chuk Street which was the major access for the local people. In addition, the overall layout was constrained by the configuration of the reprovisioned football field. The development would also provide a jogging trail, children's playground, an open lawn and tennis courts at the roof top of the sports centre building; and

- (c) the proposed facilities would be constructed by MTRCL and handed back to LCSD for operation and maintenance. The events to be held within the Site would be managed by LCSD.

Deliberation Session

59. A few Members were of the view that some facilities to be provided with the Site appeared to be segregated without linkages with other parts, and the overall design and layout of the recreation ground could be improved with better integration of all indoor and outdoor sports facilities. The open areas such as the football field could be designed with the flexibility to serve as multi-function space (including for traditional festival events organised by local organisations) with adequate supporting facilities including parking spaces and appropriate access arrangement for events with a large number of participants. A Member also said that the location of tree planting should be better worked out to maximise shading of trees.

60. Noting that the application was for the proposed sports centre and the annex building uses, the Chairman suggested that the above-mentioned comments could be conveyed to the applicant under the advisory clause. Members agreed.

61. 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 30.4.2025, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the design and provision of parking facilities and vehicular accesses for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (b) 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

Director of Environmental Protection or of the TPB.”

62. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix III of the Paper and the additional advisory clauses as below:

“ to note the comments of the Committee that:

- (a) the applicant should review the design and layout of the proposal for better integration of all indoor and outdoor sports facilities;
- (b) the open areas could be designed with the flexibility to serve as multi-function space (including for traditional festival events organised by local organisations) with adequate supporting facilities including parking spaces and appropriate access arrangement for events with a large number of participants; and
- (c) the location of tree planting should be better worked out to maximise shading of trees.”

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

Agenda Item 12

Any Other Business

63. There being no other business, the meeting was closed at 1:20 p.m..