

TOWN PLANNING BOARD

**Minutes of 677th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 13.8.2021**

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr T.S. So

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 Johanna W.Y. Cheng

Chief Town Planner/Town Planning Board
Ms Caroline T.Y. Tang

Town Planner/Town Planning Board
Mr Ryan C.K. 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 676th MPC Meeting held on 23.7.2021

[Open Meeting]

2. The draft minutes of the 676th MPC meeting held on 23.7.2021 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

Agenda Item 3

Section 16 Application

[Open Meeting]

A/TW/527 Proposed Comprehensive Residential (Flat) and Social Welfare Facility (Child Care Centre) Development with Minor Relaxation of Maximum Plot Ratio and Building Height Restrictions (Amendments to Approved Master Layout Plan) in “Comprehensive Development Area (3)” Zone, Tsuen Wan Town Lots 126, 137, 160 and 363, and Adjoining Government Land, Tsuen Wan
(MPC Paper No. A/TW/527)

4. The Secretary reported that the application site was located in Tsuen Wan and the application was submitted by Tippon Investment Enterprises Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD) and AECOM Asia Company Limited (AECOM) 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 SHK and AECOM and past business dealings with LD;

- Mr Franklin Yu - his spouse being an employee of SHK;

- Mr Alex T.H. Lai - his former firm had business dealings with SHK and AECOM;

- Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Tsuen Wan;

- Professor John C.Y. Ng - his spouse owning a flat in Tsuen Wan; and

Ms Lilian S.K. Law - being a former executive director and committee member of The Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from SHK.

5. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Franklin Yu had not yet joined the meeting. The Committee agreed that as the interest of Mr Thomas O.S. Ho was direct, he could stay in the meeting but should refrain from participating in the discussion. As the interest of Ms Lilian S.K. Law was indirect, Mr Alex T.H. Lai had no involvement in the application, and the properties owned by the company of Mr Stanley T.S. Choi's spouse and the property owned by Professor John C.Y. Ng's spouse had no direct view of the application site, the Committee agreed that they could stay in the meeting.

6. The Committee noted that the applicant's representative requested on 20.7.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

7. 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, and no further deferment would be granted unless under very special circumstances.

[Ms Floria Y.T. Tsang, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Hong Kong District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

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

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

Presentation and Question Sessions

9. With the aid of a PowerPoint presentation, Ms Floria Y.T. Tsang, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed minor relaxation of building height (BH) restriction for permitted flat use;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, a total of 195 public comments were received, including five supporting comments from individuals, 189 objecting comments (with 24 in standard format) from the Chairman of the Wan Chai District Council (WCDC), a WCDC member, the Incorporated Owners of Amber Garden, the Incorporated Owners of Bamboo Grove, the Incorporated Owners of Phoenix Court, the Kennedy Road Protection Group and individuals, and the remaining one from an individual providing

views on the application. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Although the visual impact assessment submitted by the applicants had demonstrated that the proposed development would unlikely induce significant adverse visual impact and both the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD and Chief Architect/Central Management Division 2, Architectural Services Department had no adverse comment on the application from visual perspective, there were insufficient planning and design merits to justify the proposed minor relaxation of BH restriction. Furthermore, since a set of general building plans (GBPs) able to accommodate the permissible gross floor area (GFA) within the BH restriction on the Outline Zoning Plan (OZP) had been approved, the applicants had yet to demonstrate that there was site constraint to justify the current proposal. The Commissioner for Transport objected to the application on the ground that the applicants failed to justify the nil provision of internal transport facilities (except one disabled car parking space). 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 assessments above were relevant.

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

- 10. The Chairman and some Members raised the following questions:

The Proposal

- (a) the proposed average flat size and range of flat sizes;
- (b) whether the proposed floor-to-floor (FTF) height of 3.15m was a norm for a typical residential floor and essential to meet the objectives of the

Government's Green Building Policy as claimed by the applicants, and whether information on the FTF height of the other residential developments in the area was provided by the applicants in support of the application;

- (c) comparison of the current scheme and the schemes under the approved GBPs, including the FTF height, total BH and provision of electrical and mechanical (E&M) facilities and clubhouse, and whether the maximum site coverage (SC) permissible under the building regime had been adopted under the current scheme;
- (d) noting that some E&M facilities were located on R/F, whether they would be counted towards the overall BH of the proposed development;
- (e) what site constraints would be taken into account in assessing applications for minor relaxation of BH restriction;
- (f) details of the site constraints and arrangement of the ground floor level including the right of way (ROW), and whether building structures were allowed over the ROW;
- (g) the greening ratio of the proposed development;
- (h) apart from the proposed terrace setback, whether there were other planning and design merits under the current scheme that could benefit the general public;
- (i) should the application be rejected, whether the applicants could proceed with the redevelopment without addressing the concerns raised by relevant departments regarding provision of car parking and tree felling;

BH of Surrounding Developments

- (j) the existing BH profile of the area, and whether there was any building exceeding the BH restriction of the OZP; and

- (k) details of the redevelopment of the Church of Christ in China (CCC) Wanchai Church in the vicinity as mentioned in a supporting public comment.

11. In response, Ms Floria Y.T. Tsang, STP/HK, PlanD made the following main points:

The Proposal

- (a) the proposed average flat size was 57m² while the flat size ranged from 34m² to 96m²;
- (b) according to the applicants, the proposed FTF height of 3.15m for typical residential floors was for allowing sufficient natural lighting and air ventilation, yet a FTF height of about 3m was commonly adopted in many residential developments. No information on the FTF height of other residential developments in the area was provided by the applicants;
- (c) as compared with the GBPs approved in 2018 and 2020, the FTF height of typical floor of the current scheme was increased from 3m/3.05m to 3.15m with two additional domestic floors, resulting in an increase in the overall BH of about 10m. There was also an increase in SC for the podium level (i.e. LG2/F to G/F). As compared with the GBP Scheme 2020, the clubhouse (with the same GFA of about 243m²) was currently proposed on G/F instead of LG1/F and G/F. There was no clubhouse proposed in GBP Scheme 2018. The E&M facilities in the current scheme and the two sets of GBPs were mainly accommodated on LG1/F and LG2/F. The current scheme had adopted the maximum permissible SC under the Building (Planning) Regulations (i.e. 33.33% for a Class A site);
- (d) the height of roof top structures including E&M facilities of not more than 10% of the BH of the proposed development or 15m, whichever was the less, would not be counted towards the height of the building;

- (e) in general, site constraints might include factors such as small site area, heritage preservation, existence of overhead electric cables or underground pipelines, etc. Should the site constraints be justified and the planning and design merits could be demonstrated by the applicants, favourable consideration might be given by the Town Planning Board (the Board) to the application;
- (f) according to the applicants, the lowest level of the application site (the Site) was at LG2/F. It was constrained by the need to reserve a ROW for the adjacent Wing Way Court (which had taken up about 42% of the site area) and the remaining area would be occupied by the lobby and E&M facilities. Hence, there was no space available for provision of parking facilities. Regarding the ROW, it was a private agreement amongst owners of various private lots and the applicants could liaise with the concerned owners to sort out issues relating to the ROW, including erection of building structures over and above the ROW. According to the Lands Department (LandsD), there was no GFA restriction on the Site under the lease;
- (g) a total of about 53m² of greenery area would be provided at all levels in the proposed development;
- (h) in terms of planning and design merits, the applicants had only proposed the terrace setback at the top two floors under the current scheme. Other than a section drawing, the applicants had not submitted information to support their claim that the terrace setback at the top two floors would allow more daylight at street level;
- (i) as 'Flat' was a Column 1 use which was always permitted in the "Residential (Group B)" zone, no planning permission from the Board was required as long as the development proposal was in compliance with the BH restriction on the OZP. Should the application be rejected, the applicants could still proceed with redevelopment conforming to the BH restriction on the OZP, including the two schemes under the previously approved GBPs, notwithstanding the concerns raised by relevant

departments on provision of parking facilities and tree felling;

BH of Surrounding Developments

- (j) the proposed development with a BH of about 130mPD was generally considered not incompatible with the surrounding developments including Wing Way Court to its west (about 143mPD), Amber Garden (about 153mPD) and Bamboo Grove to its southeast (about 160mPD to 181mPD) and Phoenix Court to its north (about 71mPD). In terms of the proposed BH, CTP/UD&L, PlanD had no adverse comment on the application from visual perspective. As most of the buildings in the adjoining area were completed before the imposition of BH restrictions on the OZP in 2010, some of them had exceeded the BH restrictions on the OZP. However, no new development in the adjoining area had been approved by the Board exceeding the BH restrictions on the OZP after imposition of BH restrictions in 2010; and

- (k) the CCC Wanchai Church fell within the “Government, Institution or Community” (“G/IC”) zone to the further northwest of the Site. After BH restrictions were first imposed on the OZP in 2010, the concerned church submitted a redevelopment proposal with a BH of 110mPD (which exceeded the then BH restriction for that site) to the Government. Given that the redevelopment proposal had obtained relevant policy support and there was no adverse comment received from relevant government bureaux/departments, the BH restriction for that site was amended to 110mPD on the draft Wan Chai OZP No. S/H5/27 to facilitate the redevelopment project.

12. Noting that two existing trees on the affected retaining wall within the Site were proposed to be felled, a Member asked whether application to government departments was required for tree felling on the Site. In response, Ms Floria Y.T. Tsang, STP/HK, PlanD said that according to the applicants, the two concerned trees were proposed to be removed due to slope stabilisation works. According to LandsD, there was no tree preservation clause under the lease.

13. Noting that two sets of GBPs had already been approved in 2018 and 2020 for the Site but the Transport Department (TD) still raised objection to the current application, some Members asked about the specific concerns of TD and innovative parking systems being referred to in TD's comments. Mr Patrick K.H. Ho, Assistant Commissioner for Transport (Urban), TD explained that as a general principle, parking demand generated from the development should be satisfied within the Site, hence parking spaces within the development should be provided unless under special circumstances, such as site constraints, which should be demonstrated by the applicants. In such cases, the applicants should justify whether parking spaces were available in the area for use by occupants of the development and explore the possibility for provision of innovative parking systems such as automatic parking system. For the subject case, there was insufficient information in the application to justify the proposed nil provision of internal transport facilities (except one disabled car parking space). Hence, objection was raised to the application.

14. In response to the Chairman's enquiry, Ms Floria Y.T. Tsang, STP/HK, PlanD confirmed that the subject application was recommended to be rejected on the ground that the applicants failed to demonstrate strong planning and design merits to justify the proposed minor relaxation of BH restriction, but not for reason related to the traffic impact of the proposed development or nil internal transport facilities within the Site.

Deliberation Session

15. The Chairman recapitulated that the subject application was to seek planning permission for proposed minor relaxation of BH restriction at the Site. According to the Explanatory Statement of the OZP, applicants needed to demonstrate the planning and design merits to justify minor relaxation of BH restriction. For the subject application, the only planning and design merit proposed by the applicants was the terrace setback at the top two floors. He invited Members to express views on the application.

16. Members in general did not support the application as the applicants failed to demonstrate that there were sufficient planning and design merits to justify the proposed relaxation of BH restriction. There were no strong justifications nor sufficient public gains to support the application. The mere provision of terrace setback at the top two floors was far from adequate and there were even no details on how such provision could help improve

the natural lighting to the street. A Member opined that the increase in the number of flats due to a reduced average flat size and the provision of a disabled car parking space in the proposed development could not be considered as substantial public gains. Another Member remarked that the proposed minor relaxation of BH restriction would allow the increase in the FTF and provision of two additional residential floors that would only benefit the owners/users of the building but not the general public.

17. Two Members pointed out that as two sets of GBPs conforming to the BH restriction on the OZP had been approved by the Building Authority (BA), the applicants had yet to demonstrate that there was site constraint to justify the proposed minor relaxation of BH restriction. A Member opined that the applicants might explore the possibility to use some space in the ROW for provision of parking facilities.

18. A Member raised concerns on how the traffic and landscape issues arising from the proposed development could be addressed, should the applicants decide to proceed with the OZP compliant scheme instead of going through the planning application process. In response, the Chairman said that relevant government departments including PlanD and TD would be consulted in the GBP submission stage. As long as the development proposal complied with the development restrictions/requirements on the OZP, PlanD would not raise statutory objection to the GBP submission but could provide advisory comments including the landscape issues to BA for consideration. Regarding the parking requirements, TD would also provide their comments to BA as appropriate.

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

“the applicants fail to demonstrate strong planning and design merits to justify the proposed minor relaxation of building height restriction.”

[Dr Frankie W.C. Yeung joined and Mr Alex T.H. Lai left the meeting during the deliberation session.]

[The Chairman thanked Ms Floria Y.T. Tsang, STP/HK, for her attendance to answer Members' enquires. She left the meeting at this point.]

Kowloon District

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K10/265 Proposed Comprehensive Residential and Commercial (Shop and Services) Development in “Comprehensive Development Area (3)” Zone, Kowloon Inland Lots 6342, 6344, 7427, 7629, 7630, 7631 and 7632, Mok Cheong Street and Sung Wong Toi Road, Ma Tau Kok, Kowloon
(MPC Paper No. A/K10/265C)

20. The Secretary reported that the application site was located in Ma Tau Kok. Kenneth To & Associates Limited (renamed to KTA Planning Limited) (KTA) and Archiplus International Limited (AI) were two of the consultants of the applicant. The following Members had declared interests on the item:

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

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

Mr C.H. Tse - his close relative owning a flat in Ma Tau Kok.

21. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Alex T.H. Lai had already left the meeting. As the interest of Mr Daniel K.S. Lau was indirect and the property owned by Mr C.H. Tse’s close relative had no direct view of the application site, the Committee agreed that they could stay in the meeting.

22. The Committee noted that the applicant’s representative requested on 2.8.2021 deferment of consideration of the application for one month so as to allow time for relevant government departments to examine the further information submitted on 30.7.2021. It was the fourth time that the applicant requested deferment of the application. Since the last

deferment, the applicant had submitted further information, including revised technical assessments and responses to departmental comments.

23. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee agreed that one month be allowed for the applicant to resolve departmental comments as requested and 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 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 since it was the fourth deferment and a total of seven months had been allowed for preparation of the submission of further information and/or resolving departmental comments on the application, it was the last deferment and no further deferment would be granted.

Agenda Item 6

Any Other Business

24. There being no other business, the meeting was closed at 10:05 a.m.