

TOWN PLANNING BOARD

**Minutes of 703rd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 9.9.2022**

Present

Director of Planning
Mr Ivan M. K. Chung

Chairman

Mr Wilson Y.W. Fung

Vice-chairman

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Mr Ben S.S. Lui

Ms Bernadette W.S. Tsui

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

Chief Engineer (Works), Home Affairs Department
Mr Paul Y.K. Au

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Dr Sunny C.W. Cheung

Assistant Director/Regional 1,
Lands Department
Mr Damien C.M. Chan

Deputy Director of Planning/District
Mr C.K. Yip

Secretary

Absent with Apologies

Ms Lilian S.K. Law

Professor Roger C.K. Chan

Mr Timothy K.W. Ma

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
Mr Timothy T.C. Kau

Agenda Item 1

Confirmation of the Draft Minutes of the 702nd MPC Meeting held on 26.8.2022

[Open Meeting]

1. The draft minutes of the 702nd MPC meeting held on 26.8.2022 were confirmed without amendments.

Agenda Item 2

Matter Arising

[Open Meeting]

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

Hong Kong District

[Ms Floria Y.T. Tsang, Senior Town Planner/Hong Kong (STP/HK) and Ms Chillie T.L. So, Town Planner/Hong Kong (TP/HK), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/419 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/H5/419)

3. The Secretary reported that the application site (the Site) was located in Wan Chai. Ms Lilian S.K. Law had declared an interest on the item for her spouse serving an honorary post at Ruttonjee Hospital in Wan Chai. The Committee noted that Ms Lilian S.K. Law had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

4. With the aid of a PowerPoint Presentation, Ms Floria Y.T. Tsang, STP/HK, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

[Ms Sandy H.Y. Wong and Ms Bernadette W.S. Tsui joined the meeting during the presentation session.]

5. Some Members raised the following questions:

(a) whether the applicants’ improvement proposals for the Spring Garden Lane staircase and the railings along Kennedy Road were one-off commitments (i.e. the management and maintenance responsibilities would be returned to

the government after their completion);

- (b) whether prior consent from nearby residential developments was required for the Spring Garden Lane staircase improvement proposal;
- (c) whether the existing Spring Garden Lane staircase possessed any heritage value as mentioned in a public comment;
- (d) any data on pedestrian flow on the Spring Garden Lane staircase; and
- (e) noting that the Spring Garden Line staircase was located outside the Site, whether the Town Planning Board (TPB) had previously accepted any similar off-site improvement proposal(s) as planning merits when considering other applications.

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

- (a) the Spring Garden Lane staircase and railings at Kennedy Road, after upgrading, would be returned to the Transport Department (TD) and the Highways Department (HyD) for management and maintenance respectively;
- (b) the proposed Spring Garden Lane staircase improvement works fell entirely on government land and no prior consent from the nearby residential developments was required for undertaking the improvement proposal. Nevertheless, the applicants had committed to liaise with the stakeholders such as relevant owners' corporations, the TD and the HyD on the details of implementation;
- (c) the Executive Secretary (Antiquities and Monuments), Development Bureau had no comment on the application and had not advised that the Spring Garden Lane staircase had any special heritage value;
- (d) while no data on pedestrian flow or level of service had been provided by the applicants, frequent public usage of the Spring Garden Lane staircase was observed during visit to the Site, especially in the downhill direction.

The staircase linked up Kennedy Road and Queen's Road East, and it had direct connections to various residential developments (including Phoenix Court, Wing Way Court), the Site and The Church of Christ in China Wanchai Church Kindergarten, and the improvement thereat should benefit the local community; and

- (e) considering the small site area and the site constraints, the applicants had demonstrated genuine effort in providing planning merits to justify the proposed minor relaxation of the building height restriction (BHR), including the new off-site Spring Garden Lane staircase improvement proposal under the subject application. An approval condition was recommended that the improvement proposal had to be implemented before occupation of the proposed residential development. Similar off-site improvement proposals for nearby road and a public park at Ship Street had been proposed as planning merits in the approved application for the Hopewell Centre II development.

[Mr Franklin Yu joined the meeting during the question and answer sessions.]

Deliberation Session

7. The Chairman remarked that 'Flat' use was always permitted within the "Residential (Group B)" zone and the application was for the minor relaxation of the BHR. The Site was the subject of a previous application No. A/H5/414 rejected on review by the TPB on 21.1.2022, for the reason that the applicants failed to demonstrate strong planning and design merits to justify the proposed minor relaxation of BHR. As compared with the previous application, the applicants had made further efforts in providing planning merits to the community, including the provision of additional motor cycle parking spaces and a loading/unloading bay, and the Spring Garden Lane staircase improvement proposal. Relevant departments had no adverse comment/objection to the application. The Spring Garden Lane staircase was connected to the Site and could serve the residents of the Site in addition to the neighbouring developments.

8. Members generally had no objection to the application and considered that sufficient planning merits had been provided under the subject application taking account of

the site conditions. A Member considered the proposed 3.15m floor-to-floor height for typical floors of the proposed residential development not unreasonable and the proposed development would unlikely have adverse visual impact. A Member remarked that the provision of the two motor cycle parking spaces and a loading/unloading bay was to address TD's concern. Another Member said that those transport provision could alleviate roadside parking along Kennedy Road and improvement to the Spring Garden Lane staircase could enhance pedestrian accessibility for future residents of the Site and the local community, which could both be considered as planning merits.

9. A Member said that the acceptability of the off-site Spring Garden Lane staircase improvement proposal as a planning merit in the subject application had taken account of its close proximity to the Site and its direct benefit to residents of the proposed residential development. Mr Patrick K.H. Ho, Assistant Commissioner for Transport (Urban), TD supplemented that sometimes off-site improvement proposals not in a close proximity (e.g. provision of footbridge and road improvement works) were required as mitigation measures to support proposed developments from transport planning perspective. The currently proposed improvement for the Spring Garden Lane staircase in the subject application was supported by TD.

10. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the TPB. The permission should be valid until 9.9.2026, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of the Spring Garden Lane Staircase Improvement Proposal, as proposed by the applicants, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB;
- (b) in relation to (a) above, no occupation of the residential development before the implementation of the Spring Garden Lane Staircase Improvement Proposal to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB;
- (c) the submission of a Noise Impact Assessment (NIA) and implementation of

the proposed noise mitigation measures identified in the NIA to the satisfaction of the Director of Environmental Protection or of the TPB;

- (d) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (e) in relation to (d) above, the implementation of the local sewerage upgrading/sewerage connection works as identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB.”

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

[The Chairman thanked Ms Floria Y.T. Tsang, STP/HK and Ms Chillie T.L. So, TP/HK , for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/H8/435 Proposed Comprehensive Residential Development with Minor Relaxation of Plot Ratio and Building Height Restrictions (Amendments to an Approved Master Layout Plan) in “Comprehensive Development Area (2)” Zone and area shown as ‘Road’, Land falling within “Comprehensive Development Area (2)” zone and an area shown as ‘Road’ at Kai Yuen Street, North Point, Hong Kong
(MPC Paper No. A/H8/435)

12. The Secretary reported that the application site (the Site) was located in North Point. The following Members had declared interests on the item:

- Mr Ricky W.Y. Yu - co-owning a shop with spouse in North Point and being a director and chief executive officer of Light Be (Social Realty) Co. Ltd. (Light Be) which rented a residential unit in North Point for providing social housing; and
- Ms. Bernadette W.S. Tsui - co-owning a flat with spouse in North Point and her spouse being a director of a company which owned another flat in North Point.

13. The Committee noted that the applicant had requested deferral of consideration of the application. As the properties owned/co-owned/rented by Mr Ricky W.Y. Yu and Ms. Bernadette W.S. Tsui with their spouses and the companies of Mr Ricky W.Y. Yu and Ms. Bernadette W.S. Tsui's spouse had no direct view of the Site, the Committee agreed that they could stay in the meeting.

14. 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.

Kowloon District

[Ms Jessie K.P. Kwan, Senior Town Planner/Kowloon (STP/K) and Mr Edwin Y.F. Choy, Town Planner/Kowloon (TP/K), were invited to the meeting at this point.]

Agenda Items 5 and 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/817 Proposed Shop and Services in “Other Specified Uses” annotated “Business” Zone, Unit B on G/F, Winner Factory Building, 55 Hung To Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/817)

A/K14/818 Proposed Shop and Services in “Other Specified Uses” annotated “Business” Zone, Unit 6(Part), G/F, 1 Hung To Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/818)

15. The Committee noted that the two applications for proposed shop and services were similar in nature and the application sites were located in close proximity to each other within the same “Other Specified Uses” annotated “Business” zone and agreed that they could be considered together.

Presentation and Question Sessions

16. With the aid of a PowerPoint Presentation, Mr Edwin Y.F. Choy, TP/K, briefed Members on the background of the applications, the proposed uses, departmental and public comments, and the planning considerations and assessments as detailed in the Papers. The Planning Department had no objection to the applications.

17. Members had no question on the applications.

Deliberation Session

18. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). No time clause on commencement was proposed for Application No. A/K14/817 as the shop and services use under application was already in operation at the application premises. The permission for

Application No. A/K14/818 should be valid until 9.9.2024, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permissions were subject to the following conditions :

Application No. A/K14/817

- “(a) the submission and implementation of a proposal on the fire safety measures within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.3.2023; and
- (b) if the above planning 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.”

Application No. A/K14/818

- “(a) the submission and implementation of a proposal on the fire safety measures to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition (a) is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

19. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix III of the Papers.

[The Chairman thanked Ms Jessie K.P. Kwan, STP/K and Mr Edwin Y.F. Choy, TP/K, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 7

Any Other Business

20. There being no other business, the meeting was closed at 9:30 a.m..