

TOWN PLANNING BOARD

**Minutes of 314th Meeting of the
Metro Planning Committee held on 28.10.2005**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Mrs. Angelina P.L. Lee

Mr. Keith G. McKinnell

Dr. Greg C.Y. Wong

Mr. Erwin A. Hardy

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Professor Bernard V.W.F. Lim

Mr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Thomas Thumb

Assistant Director(2), Home Affairs Department
Ms. Margaret Hsia

Principle Environmental Protection Officer (MA),
Environmental Protection Department
Mrs. Shirley Lee

Deputy Director/General, Lands Department
Mr. J.S. Corrigan

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mr. S.L. Ng

Mr. Leslie H.C. Chen

Professor N.K. Leung

Mr. Stanley Y.F. Wong

In Attendance

Assistant Director of Planning/Board
Mr. P.Y. Tam

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Ms. Paulina L.S. Pun

Agenda Item 1

Confirmation of the Draft Minutes of the 313th MPC Meeting held on 14.10.2005

[Open Meeting]

1. The draft minutes of the 313th MPC meeting held on 14.10.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 21 of 2005 (21/05)
Temporary Warehouse for a Period of 3 Years in “Green Belt” zone
Lot 212B2 (Part) in DD 129, Deep Bay Road, Lau Fau Shan, Yuen Long
(Application No. A/YL-LFS/130)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 3.10.2005 received an appeal against the decision of the Town Planning Board on 22.7.2005 to reject on review an application (No. A/YL-LFS/130) for a temporary warehouse for a period of 3 years at a site zoned “Green Belt” on the approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/7. The hearing date was yet to be fixed.

(ii) Appeal Statistics

3. The Secretary said that as at 28.10.2005, 24 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	14
Dismissed	:	81
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	24
Decision Outstanding	:	1
Total	:	231

Tsuen Wan and West Kowloon District

[Mr. Michael C.T. Ma, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Stanley C.M. Au, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

[Ms. Margaret Hsia arrived to join the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/K3/471 Proposed Training Centre
 in “Residential (Group E)” zone,
 Workshop A, 10/F, Chevalier Industrial Building,
 45 Beech Street,
 Mong Kok (KIL 6353)
 (MPC Paper No. A/K3/471)
-

Presentation and Question Session

4. Mr. Stanley C.M. Au, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed training centre;
- (c) departmental comments – highlighting that the Fire Services Department (FSD) objected to the application as the proposed use would expose its users to fire risk inside an industrial building, while other concerned Government departments had no adverse comments on the application;

- (d) no public comments and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 10.1 of the Paper in that the proposed use was considered incompatible with the existing uses in the subject industrial building which were predominantly industrial-related operations, and the FSD objected to the application.

5. In response to the Chairman's enquiry, Mr. Michael C.T. Ma, DPO/TWK, said that the consultant of the applicant had been contacted before but gave no explanation for locating the proposed use on 10/F of an industrial building.

Deliberation Session

6. The Chairman reiterated the FSD's objection to the application due to concern from the fire safety point of view.

7. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed training centre was considered incompatible with the existing uses of the subject industrial building which were mainly industrial workshops and warehouses; and
- (b) the users of the proposed training centre on an upper floor of an industrial building would be exposed to high fire risk and this was unacceptable from fire safety point of view.

9. Questions raised by the Members were :

- (a) why there would be obstruction caused to the common area where according to Plans A-3 and A-4 of the Paper, no tables were used in the application premises;
- (b) whether there had been any record of tables occupying the common area in the past;
- (c) whether the relevant Government departments had confirmed that with a food factory licence, there were measures to prevent grease being poured into the drainage system; and
- (d) whether there were other similar uses on Tai Lin Pai Road.

10. In reply, Mr. Michael C.T. Ma, DPO/TWK, made the following points :

- (a) referring to Plan A-3 of the Paper, no obstruction of the common area was seen during the site visit. It was confirmed that the food factory licence was issued to the application premises only;
- (b) upon approval of the current application, the applicant would require to apply for a temporary waiver for the 16m² application premises. It would be subject to enforcement action for non-compliance with the waiver conditions;
- (c) there was no similar use within the subject building, and there had been no similar applications in this planning area.

Deliberation Session

11. The Chairman said that while the occupation of the common area outside the premises was a concern, relevant conditions could be included in the temporary waiver, and non-compliance would be subject to enforcement action by the Lands Department.

Nonetheless, in order to address the local concerns, the applicant should be advised against occupation of the public area of the subject building as well as the pavement area. The Committee agreed.

12. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that fire services installation should be provided to the satisfaction of the Director of Fire Services or of the TPB.

13. The Committee also agreed to advise the applicant to consult the Director of Buildings on the compliance with the Buildings Ordinance and Regulations regarding the provisions of Fire Resisting Construction; and not to occupy the common area of the subject building and the pavement area outside the premises.

[Mrs. Angelina P.L. Lee arrived to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iii) A/KC/315 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit G01, G/F, Tower A, Regent Centre,
63 Wo Yi Hop Road,
Kwai Chung (Lot 299RP in DD 444)
(MPC Paper No. A/KC/315)
-

Presentation and Question Session

14. Mr. Stanley C.M. Au, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services use;

- (c) departmental comments – concerned Government departments had no adverse comments on the application;
- (d) no public comments and local objections were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to approve the application on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that fire services installation should be provided to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 28.10.2009, after the said date, the permission should cease to have effect unless prior to the said date either the development hereby permitted was commenced or the permission was renewed.

[The Chairman thanked Mr. Michael C.T. Ma, DPO/TWK, and Mr. Stanley C.M. Au, STP/K, for their attendance to answer Members' enquiries. Messrs. Ma and Au left the meeting at this point.]

Kowloon District

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

(i) A/K14/479 Further Consideration of Application - Proposed Shop and Services (Bank, Retail, Showroom, Supermarket, etc.) in “Other Specified Uses” annotated “Business” zone, Units A, B and C, G/F, Everest Industrial Centre, 396 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/479)

(ii) A/K14/481 Proposed Shop and Services in “Other Specified Uses” annotated “Business” zone, Unit Q, G/F, Everest Industrial Centre, 396 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/481)

(iii) A/K14/482 Proposed Shop and Services (Bank/Retail/Showroom/Supermarket/Fast Food Shop/Photographic Studio) in “Other Specified Uses” annotated “Business” zone, Unit M, G/F, Everest Industrial Centre, 396 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/482)

(iv) A/K14/483 Proposed Shop and Services
(Bank/Retail/Showroom/Supermarket/
Fast Food Shop/Photographic Studio)
in “Other Specified Uses” annotated “Business” zone,
Unit N and Storeroom, G/F, Everest Industrial Centre,
396 Kwun Tong Road,
Kwun Tong
(MPC Paper No. A/K14/483)

(v) A/K14/484 Proposed Shop and Services
(Bank/Retail/Showroom/Supermarket/
Fast Food Shop/Photographic Studio)
in “Other Specified Uses” annotated “Business” zone,
Unit L, G/F, Everest Industrial Centre,
396 Kwun Tong Road,
Kwun Tong
(MPC Paper No. A/K14/484)

17. Mr. Raymond K.W. Lee, District Planning Officer/Kowloon (DPO/K), Mr. K.S. Ng, Senior Town Planner/Kowloon (STP/K), and the following representatives from the Fire Services Department (FSD) were invited to the meeting at this point :

Mr. Chow Wing Tak

Mr. Ho Nai Hoi

18. The Chairman extended a welcome. He said that the five applications (No. A/K14/479, 481, 482, 483 and 484) all concerned shop and services use at various premises on the ground floor of the same industrial building and would be considered together. He then invited Mr. K.S. Ng to brief Members on the background to the applications.

Presentation and Question Session

19. With the aid of a Powerpoint presentation, Mr. K.S. Ng, STP/K, presented the applications as detailed in the Paper. The applicant of Application No. A/K14/479 sought

permission for proposed shop and services use at Units A, B and C on the ground floor of an existing industrial building which fell within an area zoned “Other Specified Uses” annotated “Business” (“OU(B)”) on the draft Kwun Tong Outline Zoning Plan. Four other similar applications (No. A/K14/481 to 484) were subsequently submitted for shop and services use at Units Q, M, N and a storeroom, and L respectively on the ground floor of the same industrial building. On 14.10.2005, the Committee deferred the consideration of the Application No. A/K14/479 pending clarification from the FSD on whether the 460m² aggregate commercial floor area referred to ‘usable’ or ‘saleable’ floor area.

20. Mr. K.S. Ng continued to say that upon consultation, the FSD had advised that a total area concept, which covered all areas within the premises including toilets and columns, was adopted as the acceptable floor area criterion. Upon checking with the building plans for the subject industrial building approved in 1987, the total floor area of the application premises for Application No. A/K14/479 (i.e. Units A, B and C) was 475m².

21. For Members’ information, Mr. K.S. Ng said that for similar applications processed in the past, the Committee’s decisions had been made with due regard to Government departments’ comments, particularly those of the FSD. According to record, the Committee had not approved any applications that were objected by the FSD.

22. The Chairman then invited the representatives from the FSD to elaborate on their considerations. Mr. Chow Wing Tak made the following main points:

- (a) the guidelines concerned the FSD’s approach to limit commercial uses on the ground floor of industrial buildings. A total floor area concept was adopted and it was similar to the floor area used for premium calculation by the Lands Department (LandsD). With reference to other international fire safety standards and past experience, the FSD drew up the criterion that not more than 230m² and 460m² aggregate commercial floor areas within non-sprinklered and sprinklered industrial buildings respectively were considered acceptable;
- (b) for marginal cases in which the commercial floor area slightly exceeded the limit, the FSD would also consider other factors including the nature of the

applied use and the situation of the surrounding area. There had been previous cases in which such marginal applications were accepted;

- (c) under the ideal situation, the aggregate floor area should be checked against the approved building plans for the concerned building. However, given the tight schedule for providing comments to such applications, FSD's comments were often based on the details as submitted in the applicants' submissions; and
- (d) for Application No. A/K14/479, the total area of the application premises (Units A, B and C) was 495m² as stated in the application form. However, the Planning Department (PlanD) subsequently clarified upon checking of the approved building plans that the usable floor area of the premises was in fact 475m². After further examination, the proposed commercial use at the application premises was considered acceptable to the FSD.

23. In response to the Chairman's enquiry, Mr. Chow Wing Tak confirmed that the 230m² and 460m² in the criterion referred to usable floor area. He also said that if the Board decided to approve Application No. A/K14/479 with 475m² of commercial floor area, the other four applications (No. A/K14/481 to 484) would exceed the limit in the criterion and would be unacceptable from fire safety point of view.

24. Mr. Chow Wing Tak continued to say that a whole floor for commercial uses could be accepted if the commercial and industrial uses of the same building were completely separated by a buffer floor of low risk uses (e.g. plant room, car park, etc). FSD aimed to facilitate commercial activities under safe environment. According to site survey at the subject industrial building, almost the whole of the ground floor, except Unit H, had been converted to commercial uses. Unit H was used as a workshop. The first floor was mainly designated for car park use, with one workshop. Should these units be changed from industrial use to other low risk uses and with provision of a buffer floor above, a conversion of the whole ground floor to commercial use might be possible. Better still, the closure of the two cargo lifts on the ground floor would mean a more complete separation between the two types of uses. However, as there had not been applications for change of use for these workshops, a wholesale conversion of the ground floor was unlikely at this stage.

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

25. The Chairman said that based on Mr. Chow's explanation, it was possible to allow more commercial uses beyond the 230m²/460m² criterion with the provision of a buffer floor in the industrial building. Mr. Chow Wing Tak confirmed so. He explained that while industrial uses were of higher fire risk than commercial uses, the FSD had concern about the much greater number of people associated with the commercial activities. The same amount of floor area in commercial use would accommodate more people as compared to industrial use. With a large number of people attracted to commercial activities, including elderly people, children and the infirmed, evacuation in case of a fire was more difficult.

26. Members then raised questions as follows :

230m²/460m² Criterion

- (a) whether the criterion was for internal use only and whether it could be made known to the public;
- (b) the extent of flexibility that could be allowed to go beyond the criterion and the circumstances under which such flexibility could be allowed;
- (c) noting that for marginal cases, factors other than the prescriptive criterion of 230m²/460m² would be considered. Clarification was sought on whether such other factors would be made known to the public for clearer guidance;
- (d) whether the FSD would consider the other approved similar applications within the same industrial building when making recommendations on such applications;
- (e) whether the criterion was applied to a floor or the entire building;

- (f) clarification was sought on the ease of evacuation from the ground floor in case of fire;

Current Applications

- (g) although the proposed commercial floor area of Application No. A/K14/479 slightly exceeded the limit of 460m², confirmation was sought on whether the FSD considered the application acceptable in view of the local circumstances and with due respect to the other applications;
- (h) feasibility of closing the two cargo lifts to facilitate the total conversion of the ground floor for commercial use; and

Related Regulations

- (i) it was understood that a new fire safety law relating to fire services installation and equipment was enacted in 2003. Clarification was sought on whether this law was related to the current case.

27. In response, Mr. Chow Wing Tak made the following main points :

230m²/460m² Criterion

- (a) at present, the criterion was for internal use only. However, it was agreed that the criterion could be made public;
- (b) other factors would be taken into consideration for marginal cases. The nature of the applied uses would be important as different trades would have different levels of accommodation capacity. For example, the factor of accommodation for industrial use was 4.5m² per person. It would be increased to 3m² per person for retail shop, 2m² per person for supermarket and 1m² per person for restaurant use. The location of the premises within the industrial building was also an important consideration e.g. whether the premises allowed direct discharge to a street would have a bearing on the

ease of evacuation during a fire. There was however no hard-and-fast rule;

- (c) the FSD had a three-level vetting process concerning marginal cases and would be very cautious in exercising such discretion. In general, a 5% flexibility could be allowed when applying the criterion;
- (d) the prescriptive criterion was easy to apply and understand. However, the FSD also recognized that it was not adequate to facilitate business. In this connection, the Buildings Department had commissioned a consultancy study – Study on Fire Engineering Approach and Fire Safety in Buildings. Such fire engineering approach involved the simulation of scenarios when a fire broke out. Based on these scenarios, specific designs concerning evacuation, fire protection and smoke control, etc. would be drawn up. This approach had already been adopted in designing large-scale projects, e.g. the Chek Lap Kok Airport, in which human behaviour and people flow were studied;
- (e) however, it was not practical to require small-scale operations to carry out such consultancy assessment and the applicants would resolve to seek advice from the FSD and BD. The FSD, in collaboration with the Institute of Fire Engineering (Hong Kong Branch) and the Hong Kong Institute of Engineers, was currently exploring the possibility of introducing a new professional field of registered fire engineers who could submit fire risk assessments on behalf of individual applicants. This would offer more choices and flexibility to the general public;
- (f) there was difficulty in getting a complete picture of existing operations within an industrial building. Due to the tight schedule to provide comments on planning applications circulated by the PlanD, detailed checking on previous approvals within the same building was not possible. Also, according to the PlanD, some applications might not be implemented even after planning approval had been obtained. Additional time would be required to verify the details of floor area with the LandsD. If the

Committee considered that such information was essential, the FSD should be provided with the time and more detailed information required for its assessment;

- (g) the 230m²/460m² criterion applied to the ground floor level of industrial buildings. Any proposed conversion of individual units on the upper floors would not be acceptable to the FSD. Nevertheless, provided that commercial and industrial uses on different floors were completely separated by a buffer floor, conversion of the lower floors below the buffer floor to commercial use might be considered acceptable;
- (h) industrial activities would have a higher fire risk as chemicals or dangerous goods might be involved in the work process. For commercial use, the number of people accommodated within the premises was the major concern. Different people reacted differently in case of fire. Even for premises on the ground floor, the ease of evacuation varied depending on the location of the fire source, design of the building and location of the premises within the floor. For example, in the subject industrial building, it would be difficult for an elderly person to evacuate via the long corridor if a fire broke out near one end of the corridor and blocked evacuation from that side of the corridor;

Current Applications

- (i) upon clarification of the floor area of Units A, B and C by the PlanD, the FSD had reviewed the application (No. A/K14/479) and considered it acceptable from fire safety point of view, subject to the submission and implementation of the fire safety measures to the satisfaction of the FSD;
- (j) the closing of the two cargo lifts on the ground floor was an observation as a possible alternative only;
- (k) the situation of having commercial use within an industrial building was unique for Hong Kong. The FSD's considerations were to facilitate commercial activities within a safe environment;

Related Regulations

- (l) in 2003, the Fire Safety (Buildings) Ordinance (Chapter 572) was passed, requiring composite and domestic buildings which were constructed or with building plans approved before 1987 to upgrade their fire safety installations to the 1994 standards. For commercial buildings, the Fire Safety (Commercial Premises) Ordinance enacted in 1998 was applicable. At present, there was no similar law concerning industrial buildings. It was the intention of the FSD to deal with commercial and old residential buildings first. However, consideration to extend the provision to cover industrial buildings and to update fire safety ordinances was underway; and
- (m) for Members' further information, the updated Code of Practice for Minimum Fire Services Installation and Equipment relating to new buildings would come into effect around the end of this year. Existing industrial buildings were not covered.

28. With regard to the time allowed for departmental comments on planning applications, the Chairman explained that the time was constrained by the statutory time limit of 2 months for processing applications under the Town Planning Ordinance. Nevertheless, he agreed that there should be room for improvement on inter-departmental communication.

29. In response to a Member's enquiry on the detailed operational arrangement for the closing of the two cargo lifts, the Chairman added that it was a hypothetical scenario which was not relevant to the applications under consideration as such arrangement had not been proposed by the applicants.

30. In response to a Member's enquiry on the size and exact use of the workshop on the first floor of the subject industrial building, Mr. Raymond K.W. Lee, DPO/K, said that according to the building plans for the subject building approved in 1987, the first floor of the building was mainly for car park use. One of the units was previously designated for canteen use. An alteration plan to change the canteen to workshop use was subsequently approved by the Buildings Authority. According to a site survey, the unit was currently used for storage of goods and the area was about 200m².

31. The Chairman said that the current 230m²/460m² criterion was easy to understand and to apply. However, there was concern that when there were multiple applications at the same building, the first-come-first-served principle would have to be applied. In reply, Mr. Chow Wing Tak said that the FSD would consider the applications from a fire safety point of view only. It could not offer any views on the issue of assigning priority.

Deliberation Session

32. The Chairman pointed out that there had been a change in FSD's recommendation for Application No. A/K14/479 upon clarification of the total floor area of 475m² by the PlanD. The application was considered acceptable by the FSD, subject to conditions. Should the Committee approve this application, the other applications (No. A/K14/481 to 484) would exceed the permissible aggregate floor area and would have to be rejected based on fire safety considerations.

33. A Member said that a workshop was still in operation on the ground floor of the subject building. The scenario of whole floor conversion would therefore not be relevant to the consideration of the current applications. In view of the fire safety considerations, Application No. A/K14/479 could be approved while the other applications submitted later were to be rejected. Other Members agreed.

34. A Member said that the other applicants should be informed of the FSD's recommendation, the Committee's considerations and the possibility of converting the whole ground floor for commercial use with the provision of a buffer floor above. The Chairman agreed that they could be advised via the minutes of meeting and the PlanD should also approach the applicants to explain the situation.

35. The same Member said that information on approved similar applications and their implementation should be provided to the FSD for their consideration of such applications. In response, the Secretary said that it had already been agreed that the PlanD would provide the FSD with such information when comments from concerned departments were sought on individual cases.

36. Another Member said that it was necessary to provide clear guidelines to the public concerning the fire safety considerations of commercial use in an industrial building. The Chairman agreed that the current Town Planning Board (TPB) Guidelines No. 25B for Use/Development within “Industrial” Zone should be revised early. The Secretary said that the possibility of provision of a buffer floor to overcome fire safety concerns and the need to consult the FSD had already been stated in the TPB Guidelines No. 25B. With the agreement of the FSD at the meeting, the 230m²/460m² guidelines would be incorporated. The related TPB Guidelines No. 22B for Development within “Other Specified Uses (Business)” Zone would also need to be revised accordingly.

37. A Member raised the concern that some approved applications were never implemented and this might be unfair to other similar applications within the same building given the floor area criterion. This Member suggested to impose a time limit on commencement of the applied use or on compliance with the approval conditions on submission and implementation of fire safety measures.

38. In response, the Secretary said that for proposed uses, a period of 4 years was normally granted for commencement of development. A shorter commencement period could be imposed to address the concern raised. However, in the current applications, the application premises were already being used as shop and services and the time limit condition was not applicable. A Member suggested that for existing operations, a time limit of 6 months for compliance with the approval condition relating to fire safety requirements might be considered.

39. In response to the Chairman’s enquiry on the usual time required for building plan submission for FSD’s approval, Mr. Chow Wing Tak said that the preparation time depended on circumstances of each individual case and no advice could be given on a general time period required.

40. The Chairman said that based on Mr. Chow’s advice, there could be various factors affecting the time required for preparation of building plans for compliance with the approval condition. Without detailed study, it was not appropriate to deviate from the current practice and impose a time limit. The Secretariat could be requested to research on the matter and make recommendations on a suitable time limit, if appropriate. Members agreed.

41. The Chairman concluded that based on the discussions in the meeting, the Committee decided to approve Application No. A/K14/479 and reject Applications No. A/K14/481, 482, 483 and 484. The Committee agreed.

Application No. A/K14/479

42. The Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that fire safety measures be submitted and implemented to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 28.10.2009, 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.

43. The Committee also agreed to advise the applicant :

- (a) to consult the District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver for the proposed shop and services use, including the size of the subject premises; and
- (b) that any operation of food business under Food Business Regulation, Cap. 132 would require application to Food and Environmental Hygiene Department for a relevant licence/permit.

Applications No. A/K14/481, 482, 483 and 484

44. The Committee decided to reject the applications and the reason was that the application was not acceptable from fire safety point of view.

[The Chairman thanked Messrs. Chow Wing Tak and Ho Nai Ho for their attendance to answer Members' enquiries. Messrs. Chow and Ho left the meeting at this point.]

[Messrs. Erwin A. Hardy, Daniel B.M. To and Ms. Sylvia S.F. Yau left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (vi) A/K14/485 Proposed Shop and Services (Convenience Store)
in “Other Specified Uses” annotated “Business” zone,
Unit 1D, G/F, Century Centre,
44-46 Hung To Road,
Kwun Tong
(MPC Paper No. A/K14/485)
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Presentation and Question Session

45. Mr. K.S. Ng, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (convenience store) use;
- (c) departmental comments – the District Office (Kwun Tong) advised that in past experience, the public was concerned about the traffic issues in the Kwun Tong Industrial Area; other concerned Government departments had no objection to the application;
- (d) two public comments were received supporting the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the complete separation of the application premises from the industrial portion of the subject building by proper fire resistance construction and design, and of the means of escape of the application premises from the industrial portion of the subject building to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the provision of fire services installation to the satisfaction of the Director of Fire Services or of the TPB.

48. The Committee also agreed to advise the applicant to consult the District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver for the shop and services (convenience store) use under application including the size of the application premises.

[Ms. Sylvia S.F. Yau returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (vii) A/K13/205 Proposed Shop and Services (Fast Food Shop)
in “Other Specified Uses” annotated “Business” zone,
Workshop Nos. 7 and 8, G/F, Kingsford Industrial Centre,
13 Wang Hoi Road, Kowloon Bay
(MPC Paper No. A/K13/205)
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Presentation and Question Session

49. Mr. K.S. Ng, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (fast food shop) use;

- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) one public comment was received agreeing to the proposal. One local objection was received on the grounds of incompatibility with the planning intention for industrial buildings and unfairness to commercial uses in commercial buildings; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11.1 of the Paper.

[Mr. Erwin A. Hardy returned to join the meeting at this point.]

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that fire service installations should be provided in the subject premises to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 28.10.2009, 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.

52. The Committee also agreed to advise the applicant :

- (a) to consult the District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver or lease modification for the fast food shop under application, including the size of the subject premises;
- (b) that a valid food license should be obtained from the Director of Food and Environmental Hygiene;

[Mr. K.G. McKinnell left the meeting at this point.]

[A short break of 5 minutes was taken.]

Hong Kong District

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Session only)]

Z/H8/2 Application for Amendment to the
Approved North Point Outline Zoning Plan No. S/H8/19
from “Comprehensive Development Area (1)” and “Comprehensive
Development Area” to “Open Space” and to the Notes for the “CDA” zone,
Northern and Western Portions of the
Ex-Government Supplies Department Depot, Oil Street, North Point
(MPC Paper No. Z/H8/2)

55. The Committee noted that the following Members had declared interests in the next item for discussion :

- (a) Dr. Greg Wong – as his office was in close proximity to the application site;
- (b) Mr. J.S. Corrigan, being the representative of the Director of Lands – as the application site was included in the Application List for land sale;
- (c) Mr. Tony W.C. Tse – as his current employer and himself owned properties in the proximity of the application site;
- (d) Mrs. Angelina P.L. Lee – as the non-executive director of the Henderson Land Development Co. Ltd. who owned properties in the proximity of the application site; and

- (e) Mr. Daniel B.M. To – as a member of the Eastern District Council (EDC). The Works and Development Committee (WDC) of the EDC had passed a motion supporting the application.

The Committee noted that Dr. Wong's interest was indirect and he could be allowed to stay in the meeting and participate in the deliberation of the application.

[Mrs. Angelina P.L. Lee, Messrs. Tony W.C. Tse, Daniel B.M. To and J.S. Corrigan left the meeting at this point.]

56. The Secretary then said that according to the Chinese version of a press release issued by the applicant, the Citizen Envisioning@Harbour represented by Dr. Sujata S. Govada was one of the applicants. However, it did not tally with the English version of the press release. In the application form itself, it was stated that Designing Hong Kong Harbour District was the applicant. The representatives of the applicant should be requested to clarify as Professor Bernard V.W.F. Lim, being a member of the Citizen Envisioning@Harbour, might have to declare an interest. The Committee agreed.

57. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Mrs. Alice Mak, Senior Town Planner/Hong Kong (STP/HK), and the following applicant's representatives were invited to the meeting at this point :

Hon. Choy So Yuk
Mr. Ian Brownlee
Mr. Paul Zimmerman
Mr. Chiu Sing Kay
Mr. Hui Ching On
Dr. Sujata S. Govada
Mr. Adrian Zimmerman
Ms. Jessica Lam
Mr. Lin Shau Ping

58. The Chairman extended a welcome. He said that it was understood that the applicant would make presentations in both English and Cantonese, but the applicant had no

objection that Cantonese be used as the main language for the presentation and question session of this item. The applicant's representatives agreed.

59. In response to the Chairman's request for clarification on who submitted the application, Mr. Ian Brownlee said that the application was submitted by the Masterplan Limited on behalf of the Designing Hong Kong Harbour District as the sole applicant. Nevertheless, there was support from members of the local community, including Dr. Sujata S. Govada who represented herself as an urban designer on the applicant's team.

60. Professor Bernard V.W.F. Lim said that although he was a member of the Citizen Envisioning@Harbour, he was not aware of Dr. Sujata S. Govada's involvement in the application and he had no participation in this case in any respect. The Committee agreed that Professor Lim could stay in the meeting and participate in the deliberation of this item.

61. In response to the Secretary's enquiry, Mr. Paul Zimmerman clarified that there were some discrepancies between the Chinese and English versions of the press release regarding the roles of various parties making the submission and confirmed that the English version was correct.

62. The Chairman then briefly explained the procedures of the hearing. The Committee noted that Hon. Choy So Yuk had to leave the meeting due to some urgent commitment and agreed to her request to make her presentation first.

Presentation and Question Session

63. Hon. Choy So Yuk said that she, as a member of the Democratic Alliance for the Betterment and Progress of Hong Kong and the Legislative Councillor representing Hong Kong Island Constituents, supported the applicant's proposal to rezone part of the subject site at Oil Street to "Open Space" ("O"). Her main points were summarized as follows :

- (a) the applicant's proposal was supported by many EDC members and local residents of North Point, some of whom had voluntarily staged their support downstairs in the ground floor lobby before the meeting;

- (b) two letters containing signatures from 20 to 30 organizations supporting the proposal were tabled at the meeting for Members' information. There were also many verbal supports;
- (c) there had been an increase in public concerns on the living environment and the planning of the waterfront areas. The community was also more concerned about town planning matters, for example, many citizens had lodged very strong objection against various developments lately, including the Mega Tower Hotel development in Wan Chai and proposed rezoning in Ap Lei Chau for residential development resulting in deferral or amendments in these projects. The public demanded more transparency in town planning procedures;
- (d) regarding the application site at Oil Street, all the residents of the North Point District were concerned about the high plot ratio permitted under the current zoning. More than 1,000 signatures were collected within 2 hours in support of the applicant's proposal. They were deposited at the Secretariat;
- (e) there had also been support from the EDC. A motion was passed to strongly request the Government to review the current plot ratio and building height of the application site and to reserve adequate space for waterfront promenade;
- (f) the private developers were now aware of the strong local objections against the current zoning and development parameters of the application site. This created uncertainty and would possibly lower the land sale price. On the contrary, the applicant's proposal to provide more open space in the neighbourhood would improve the local environment and had strong local support. If the proposal was agreed, prospective developers would be certain of the development potential of the site and willing to offer higher price. The rezoning proposal would not adversely affect Government's income from land sale; and

- (g) the Committee was requested to make an independent decision on the application, considering the ‘People-Centred’ approach and public aspiration, and not be affected by the outdated Government decisions. The application site was significant to the one million residents of the Eastern District. The Committee was urged to consider the applicant’s proposal favourably.

[The Chairman thanked Hon. Choy So Yuk for attending the meeting. She left the meeting at this point.]

64. Mrs. Alice Mak, STP/HK, then presented the application as detailed in the Paper. Referring to Plan Z-1 of the Paper, she said that the current application involved a site of about 1.6ha, which was zoned “Comprehensive Development Area (1)” (“CDA(1)”) and “Comprehensive Development Area” (“CDA”) on the approved North Point Outline Zoning Plan (OZP). According to the stipulations in the Notes of the OZP, the gross floor area (GFA) within the “CDA” zone should not exceed 123,470m², of which a maximum GFA of 18,180m² should be for office use. Within the “CDA(1)” zone, the building height should not exceed the mean level of the Island Eastern Corridor (IEC). A Planning Brief, at Appendix II of the Paper, setting out the major development parameters and other requirements for the site, was endorsed by the Board in 1997. The application site had been included in the Application List for land sale since 1999.

65. Mrs. Alice Mak said that the applicant proposed to rezone the western portion of the application site from “CDA(1)” (4,400m²) and “CDA” (4,000m²) to “Open Space” (“O”) which would become a public waterfront park; to incorporate the requirement of providing a public promenade of not less than 20m wide along the northern boundary of the remaining “CDA” zone (7,700m²); and to impose stepped height limits of 100mPD and 140mPD for the developments at the central and southern portions of the remaining “CDA” zone respectively. Justifications from the applicant were detailed in paragraph 2 of the Paper. The applicant also proposed that the Planning Brief be revised in accordance with the proposal, taking into account the Harbour Planning Principles (HPP) of the Harbourfront Enhancement Committee (HEC) and the Urban Design Guidelines (UDG) set out in the Hong Kong Planning Standards and Guidelines.

66. Mrs. Alice Mak said that 16 public comments were received. All the comments indicated support for the application, including the support from two Legislative Councillors, the Hon. Ma Lik and Hon. Choy So Yuk, who attached more than 1,000 signatures from the public. The Sub-committee on Harbour Plan Review of the HEC also indicated their support for the application, requesting the Government to review the plot ratio and the Planning Brief for the site. Also, the EDC strongly requested the Government to review the plot ratio and building height of the site and to reserve adequate space for the waterfront promenade. 12 late comments were received after publication of the Paper. A petition letter was received before the meeting.

67. Mrs. Alice Mak then drew Members' attention to the comments made by various Government departments, including the strong objection from the Lands Department (LandsD). She said that the site had been included on the Application List for land sale since 1999 and the LandsD objected to the application. Also, the Planning Department (PlanD) did not support the application for reasons detailed in paragraph 11.1 of the Paper in that there was already sufficient control under the current zonings of "CDA(1)" and "CDA" through the required submission of a Master Layout Plan (MLP) to the Board for approval. The Board could scrutinize any proposed scheme on the application site through the planning permission system. Under the applicant's proposal, the remaining "CDA" zone, with a reduction in site area by 50%, would seriously constrain the layout and design of the future development. Such constraints were considered undesirable especially because the application site was located next to the IEC and was subject to adverse air and noise impacts. Sufficient flexibility should be allowed for the future developer to address these problems. However, the Planning Brief could be amended to reflect some principles of the proposal including the stepped building height concept and the provision of more open space including a waterfront promenade. The future development would have to comply with the requirements in the Planning Brief. Hence, the proposed amendments to rezone part of the site to "O" and to incorporate specific restrictions on the remaining part were not necessary.

68. The Chairman then invited the applicant's representatives to elaborate on the application.

69. Mr. Ian Brownlee said that the current submission presented a broad community consensus, as a diverse group of people shared a genuine concern of the application site at Oil

Street. It was a submission from the community and was initiated when the Government was not prepared to reconsider the planning criteria of the application site. With the aid of plans and photos extracted from the applicant's submission, he made the following main points :

Control under the OZP and Planning Brief

- (a) the application site was the last piece of Government land at this part of North Point. It represented a scarce and important public asset that should be used to meet long-term public needs. Since the application site was still under Government ownership, no private development rights would be constrained by the applicant's proposal;
- (b) there should be a continuous pedestrian linkage along the waterfront. Although a 10m wide promenade was required under the Planning Brief, there was no space available for a continuous linkage and the existing zoning would not achieve this;
- (c) according to the Notes of the OZP, the "CDA(1)" zone had a restriction up to the height of the IEC structure with a 10m wide promenade along the harbour frontage. There was no height restriction for the "CDA" portion. A development of more than 55 storeys with a total GFA of 123,470m², equivalent to a plot ratio of 10.5, could be permitted. According to the Explanatory Statement of the OZP, the planning intention was for a height similar to the surrounding area at about 165mPD;
- (d) the Planning Brief for the application site, which was endorsed by the Board in 1997, was non-statutory and outdated. It did not include the "CDA(1)" portion of the application site which was considered as the most critical component with its water frontage. Both the Planning Brief and the proposed lease had no provision for public open space. The only urban design consideration was the requirement of a 3m wide amenity strip along the extension of City Garden Road. No provision was related to the design and use of the harbourfront;

Assessment of Current Situation

- (e) the permitted development under the IEC within the “CDA(1)” zone was severely restricted by right of access to the IEC structure, making development non-viable. It could be better used as public open space;
- (f) various photographs of the application site and its surrounding area showed that the “CDA(1)” site provided the only access to the waterfront which would open up to a dramatic view of the harbour. The proposal was an opportunity to revive the linkage of the heritage buildings of the former clubhouse of the Royal Hong Kong Yacht Club with the waterfront as well as providing connection to the inland area;
- (g) there was a serious shortage in the provision of public open space in the area. Even when Victoria Park was taken into account, there was a shortage of 3 ha of open space. The application site represented the ‘last chance’ for a significant open space. Some members of the public opined that the whole site should be rezoned as “O”;
- (h) referring to the summary of events since the approval of the Planning Brief in 1997, it was concluded that the attitudes of the public, the Board and the PlanD to developments along the waterfront had changed significantly and the existing control on the OZP was no longer appropriate;

Vision Statement and HPP

- (i) the Board’s Vision Statement for Victoria Harbour was to make the harbour attractive, accessible and symbolic of Hong Kong and to create a harbour for the people and a harbour of life. In particular, Goals No. 1 to 4 were highlighted as relevant to the current application. Secondly, the HEC’s HPP set out the principles for a vibrant and accessible harbour with maximization of opportunities for public enjoyment and sustainable development in balancing and catering for the economic, social and environmental needs of all sectors of the present generation, without

compromising the needs of future generations. The Board was requested to implement its own vision and realize the public aspiration;

The Proposal

- (j) the applicant's proposal involved a proposed reduction in the development intensity by about 50%, a provision of 8,400m² of open space, a 20m wide waterfront promenade within the remaining "CDA" zone and a stepped height profile of 100mPD and 140mPD for future developments along the waterfront similar to the approach taken by the Board in Kwun Tong;

Departmental Comments

- (k) the LandsD was the only Government department objecting to the applicant's proposal. There was a clear distinction between the function of the Board and that of the Land Authority, with the former focusing on the community benefits whilst the latter on maximizing Government income;
- (l) the Housing, Planning and Lands Bureau (HPLB) considered that the application site had been on the Application List for land sale since 1999, representing a commitment made to the possible developers and no revision was allowed. The HPLB also argued that the subject OZP had gone through the plan-making procedure and was approved by the Chief Executive in Council. Nevertheless, the current application was made under the provisions of the Town Planning Ordinance and should be considered on its own merits. The HEC also rejected HPLB's approach as there should not be any commitment until a contract had been finalized;
- (m) at present, there were 32 sites on the Application List for land sale. There was no shortage of land sale sites to generate revenue. Out of the 32 sites, 11 of them including the application site, had been carried forward from previous years. It was believed that the reason for the stagnant position of the site since 1999 was that the sales conditions were too complex and the

requirement for an MLP to be approved by the Board was a big risk for developers. The risk was now greater considering the strong public objection ; and

- (n) a revision to the Planning Brief, which was not a statutory document, provided no basis for public comments and assessment. The applicant's proposal provided a balance between achieving public planning gain and providing certainty to both the future developer and the public.

70. Mr. Chiu Sing Kay said that the EDC was very concerned about the proposed development at the site. On 21.7.2005, the WDC of the EDC held a meeting with in-depth discussion on the application. Members had arrived at a consensus and the major points were as follows :

- (a) the current building height restriction of not exceeding 165mPD under the lease was considered excessive. The resultant high-rise development would create wall effect, impose adverse impacts on public views along the harbourfront and on air ventilation to the buildings inland;
- (b) there was a serious shortage of open space and recreational facilities in North Point. The residents of the Eastern District would like to enjoy a continuous promenade extending from Siu Sai Wan to Causeway Bay. The Government was therefore urged to incorporate the requirements of reserving space for the waterfront promenade and to increase the areas for open space and recreational facilities in the sales conditions for the site; and
- (c) a motion was passed at the WDC meeting that members "strongly requested the Government to review the plot ratio and building height restrictions of the application site and to reserve adequate space for the waterfront promenade".

71. Mr. Hui Ching On then made the following main points :

- (a) according to the record of the Leisure and Cultural Services Department, the provision of open space in North Point could only meet one-third of the

standard requirement. With no suitable gathering space, the elderly people in the district were forced to spend time sitting along City Garden Road and on steps of the elevated pedestrian walkway on Tong Shui Road;

- (b) more land in North Point was being taken up for high-rise developments, including the Independent Commission Against Corruption Headquarters currently under construction on a previous football pitch site and a proposed Customs Headquarters Tower would commence construction in two years on a site occupying a temporary basketball court. The shortage of open space in the district would further worsen. The residents therefore appealed for reserving more appropriate locations for open space development; and
- (c) the existing developments around the application site were high-rise buildings, including the AIA Tower of more than 60 storeys, the Manulife Tower, Harbour Heights and a hotel on King Wah Road of more than 40 storeys. These tall developments together with the future developments at the application site would lower the air quality in the area.

72. Dr. Sujata S. Govada said that she had been actively participating in waterfront planning in Hong Kong and she fully supported the applicant's proposal which had tremendous support from the local community, Legislative Councillors and the EDC. She said that the Board was given a choice for sustainable development, not only for North Point but for the people of Hong Kong, now and for the future generations. Its decision on the applicant's proposal was critical as it involved either the securing or the permanent loss of an important public asset along the harbourfront at Oil Street. She then made the following main points from the urban design perspective :

- (a) according to the UDG, there should be a vibrant harbour for the public with physical accessibility and visual permeability. There should be a continuous waterfront promenade with open space linkages connecting to the hinterland. All new developments should ensure functional diversities and avoid wall effect along the waterfront;

- (b) according to the Air Ventilation Assessment Study, waterfront sites were gateways of sea and land breezes and buildings on the waterfront should avoid blockage of the breezes and the prevailing winds;
- (c) the applicant's proposal was community-oriented. It was a tactful and sensitive design to substantially improve the environmental quality by enhancing physical and visual permeability to the waterfront, and creating quality open space and a continuous waterfront promenade;
- (d) the application site was the last opportunity to allow a breathing space and green lung in North Point which was already intensively developed. The applicant's proposal would address the shortage of open space and enhance air ventilation;
- (e) the current zoning allowed intensive developments and ignored the above considerations, and was contrary to the UDG recommendations; and
- (f) the Chief Town Planner/Urban Design and Landscape even opined that the applicant's proposed building height would still appear too high for the application site.

73. Mr. Paul Zimmerman made the following main points :

- (a) all the participants in the current application had no self interests involved. They all acted for the benefit of Hong Kong;
- (b) except for the LandsD, all Government departments expressed enormous support to the applicant's proposal;
- (c) the PlanD recommended to revise the Planning Brief only, instead of the zoning on the OZP. This would create confusion and uncertainty among developers and the general public, as the requirements in the Planning Brief would not be fully reflected in the OZP;

- (d) it was a clear and simple approach to rezone the application site to fully reflect the planning intention of the Board and public aspiration, therefore ensuring certainty for developers; and
- (e) the proposal involved a reduction in building height and intensity and provided the much needed open space to the public, with agreement of the community. The Board was urged to give the harbour back to the people.

74. In response to a Member's enquiry on the position of the LandsD and the Government, the Chairman said that LandsD was only providing comments according to its role and function as Government agent to ensure a maximization of land value. It did not necessarily represent the whole Government's view. Nevertheless, LandsD's position and principles should be respected as land was a valuable community resource. As always, the Board would consider all departmental comments and planning circumstances in broader terms.

75. In response to the same Member's enquiries on the status of the adjoining area to the west of the "CDA(1)" zone and the purpose of the 'cleared site' shown on Drawing Z-1 of the Paper, Ms. Christine K.C. Tse, DPO/HK, said that the area to the immediate west of the application site on the waterfront was zoned "CDA(1)". There was an application for hotel development already approved by the Committee. According to the approved scheme, the hotel development was 165mPD high and there would be a 10m-wide promenade with a landscaped area and a low-rise building along the waterfront. To the further west was a piece of private land. A previous planning permission for office development had already lapsed. The building height restriction of not exceeding the mean level of the IEC for the northern part of the site and provision of a 10m-wide promenade were also applicable.

76. Ms. Christine K.C. Tse continued to say that the 'cleared site' fell within an area zoned "Government, Institution or Community" ("G/IC"). According to the land sale conditions, it was to be formed by the developer. The PlanD was considering rezoning this site to open space to integrate with the historical building of the former Clubhouse of the Royal Hong Kong Yacht Club which was to become an archaeological resource centre. Part of this 'cleared site' would form the City Garden Road extension.

77. In response, Mr. Ian Brownlee said that there was actually no requirement in the lease that this ‘cleared site’ should be used as an open space. The future developer was only required to clear the land and hand it over to the Government. It could well accommodate other GIC uses. Mr. Hui Ching On added that he understood that there would be a refuse collection point (RCP) there for replacing the existing RCP on Oil Street. Ms. Christine K.C. Tse clarified that the RCP would only take up a small part of this site.

78. Noted the general support for the application from Government departments, other than the LandsD, and from the community, a Member enquired on the PlanD’s rationale for not supporting the application. Another Member raised a related question on whether PlanD had any plan to review the land use and planning parameters for the site in view of the public aspiration. In response, Ms. Christine K.C. Tse said that the PlanD agreed that the principles in the Board’s Vision Statement, the UDG and HPP should be followed. However, there were many ways to achieve these goals and principles. While the applicant’s proposal could be one way, it might not be the best option. For instance, the proposed building heights at 100mPD and 140mPD and the locations of the buildings might not be ideal, and the appropriateness of the proposed development restrictions was uncertain. It was not sure whether the proposed GFA could be accommodated in the remaining “CDA” zone. On the other hand, the current “CDA” zoning allowed a more flexible approach under which the planning principles suggested by the applicant could also be achieved. The requirements for provision of open space and promenade and lower building heights could be incorporated into the revised Planning Brief to provide guidance for future MLP submission. Based on the revised Planning Brief, the future developer could submit a better proposal for the Committee’s consideration. Compared with the proposed rezoning, the “CDA” zoning could ensure a better integration of development with the open space and the surrounding areas. Hence, there was no need to rezone the site as proposed by the applicant.

79. In response to a Member’s enquiry on the shortage of open space, Ms. Christine K.C. Tse said that excluding Victoria Park which was a regional open space, there was a shortfall of about 9 ha of open space in the planning area. It was agreed that there was a need to increase the open space provision. Hence, part of the ‘cleared site’ to the south of the application site would be developed as an open space. Requirement to provide more public open space within the future development could be incorporated into the revised Planning Brief

80. Members sought clarifications from the applicant's representatives on the following issues :

- (a) noting that there was a proposed reduction in development intensity and building heights with two tower blocks at 100mPD and 140mPD, whether any study was done on the feasibility of achieving the GFA and compliance with relevant ordinances;
- (b) whether there was any benefit in lowering the building heights to 100mPD and 140mPD, considering that the view towards inland and the green hillslopes would have been blocked by other existing high-rise developments including the Newton Hotel, Fortress Garden and Fortress Metro Tower; and
- (c) the environmental impact of the IEC on the open space beneath.

81. In response, Mr. Ian Brownlee made the following main points :

- (a) the basic framework of the proposal was that there would be no development on the waterfront and a stepped height concept was adopted for the development portion on the "CDA" zone. It was suggested that only the building height restrictions be incorporated into the OZP with no stipulation on GFA control. It was estimated that a maximum of 68,800m² GFA, out of which a maximum of 15,400m² for office use, could be achieved in the proposal. Although there had not been a detailed assessment, the proposal was aimed to keep more flexibility for the future development, including a pure residential development. The GFA figures would be achievable on the application site;
- (b) in considering the building height guidelines for Kwun Tong, the Committee had taken the approach of 100mPD, 140mPD and 160mPD for developments with different distances from the harbour. The same stepped height principle was adopted in the scheme proposed for the application site. Nevertheless, if the Committee agreed to take on board

the Chief Town Planner/Urban Design and Landscape's comment to further lower the building height, the applicant had no objection; and

- (c) the proposed open space extended inland from the waterfront underneath the IEC. With the aid of Photos 1 and 2 in the submission, it was explained that underneath the IEC, the vista to the harbour would open up offering a dramatic view. The proposed open space node would provide linkage with the promenade. The site was not affected by the traffic noise on IEC above. Also, according to the requirements of the Environmental Protection Department, no active recreation activity should take place within 20m of the IEC and this was not proposed in the current scheme.

82. In response to the Chairman's enquiry, Ms. Christine K.C. Tse said that a detailed study would have to be conducted before determining how the Planning Brief should be revised. The development parameters including development intensity, building height restrictions and open space provision would be reviewed, taking into account the planning objectives for the site. To adopt the applicant's proposal without any detailed study was considered inappropriate.

[A short break of 5 minutes was taken.]

83. Mr. Ian Brownlee concluded that the applicant's proposal was sensible and acceptable with general public consensus. It should be translated into statutory requirements. If rezoning was to be followed, the plan amendment process would allow further public comments. On the other hand, the Planning Brief, suggested by the PlanD to be the means for implementing the planning principles, did not have statutory status. The PlanD had not presented to the Committee with any alternative. The Committee was requested to take a bold step to address the shortfall of open space provision by rezoning part of the application site to "O" for public benefit.

84. Mr. Paul Zimmerman added that based on a lot of studies done and personal experience at the application site, the area underneath the IEC was not affected by the traffic noise as noise travelled upwards. With the proposed open space allowing good air ventilation, the air pollutants would be taken away by the breezes. With improvement in

visual and physical permeability, the open space underneath the IEC should not constitute an environmental concern. In fact, the famous Darling Harbour in Sydney placed active uses under a highway around Sydney Harbour.

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

Deliberation Session

86. On the applicant's rezoning proposal, Members' views were summarized as follows :

- (a) the effort made by the applicant in submitting the rezoning proposal was appreciated. The proposal was generally in line with the Board's Vision Statement and there were merits in the scheme in terms of the intentions to provide more open space and improve the accessibility to the harbour as well as the adoption of a stepped building height concept;
- (b) the position of the LandsD to maximize land sale income was understandable as land sale was still a major source of income for Hong Kong. However, land sale revenue was not a planning consideration. An important concern was the serious shortfall in open space in the planning area and the application site presented a good opportunity to incorporate more open space. The creation of an open space in front of a heritage building leading to the waterfront as proposed was a good suggestion;
- (c) it was natural that there was strong public support for rezoning a piece of waterfront land for open space use. However, the applicant's submission had not addressed the technical details. The Committee could not agree to

the application just on the basis of public support, without consideration on the details. The proposal as submitted would constrain the layout and design of the future development and might not be the best option for this harbour-front site. There could be other ways to achieve the good intentions and principles in the proposal. For example, some GFA could be accommodated at the basement level to maximize the use of land resources while minimizing the building height at the same time. There might also be flexibility in the disposition of the open space. In this regard, a Member opined that while a wider promenade could be required, an open space underneath the IEC was not favoured. The long walk from inland to the waterfront through the proposed open space would also be difficult for the elderly people. An open space provided inland would better serve the local community;

- (d) it was recognized that the site was prominent and careful treatment was required. The existing Planning Brief prepared back in 1997 did not reflect the Board's vision and goals for Victoria Harbour, the latest HPP and the UDG, and the community aspirations. It was therefore considered preferable that the PlanD should conduct a detailed study to review the development intensity and land use intention of the area;
- (e) revision to the Planning Brief was considered a better approach as compared with rezoning based on the applicant's proposal, as the former would provide greater flexibility in designing a better scheme;
- (f) the Chairman said that under the "CDA" zoning, there would be sufficient control to allow the Committee to scrutinize any proposed development scheme. The future developer would be required to submit an MLP for the Committee's consideration, and such application would be published for public comments in accordance with the provisions of the Town Planning Ordinance. In reply to a Member's question, the Chairman said that there was no need to submit the revised Planning Brief to the Chief Executive in Council for agreement. The public would be consulted in the course of preparation of the revised Planning Brief before submission to the Committee for endorsement.

87. The Chairman then summarized the views of the Committee. Whilst there was broad support for the general principles and objectives of the applicant's proposal, there were other possible approaches to implement the applicant's good intentions. The consensus of the Committee was that the PlanD should be requested to carry out a detailed study to determine the appropriate development parameters including development intensity, building height and open space provision, with a view to amending the Planning Brief. Possibilities of requiring the incorporation of basement and integration with the "G/IC" site to the south of the site could be explored. The Committee agreed.

88. A Member said that the applicant's proposal was supported by the general public. The Committee's views on appreciation of the applicant's intentions and planning concepts despite some deficiencies in the proposal should be properly sounded out. Moreover, it was opined that the study by the PlanD should include various options and proper comparisons of these options with a 3-dimensional blocking study to illustrate the massing effect of different development intensities. The Committee agreed that the Secretariat should prepare a press release to explain the Committee's views to the public.

89. After deliberation, the Committee decided not to agree to the application and the reasons were that :

- (a) the current "Comprehensive Development Area" and "Comprehensive Development Area (1)" zonings would require the applicant to submit Master Layout Plan for any proposed development to the Board for approval. The Board would have the opportunity to assess the proposed scheme taking into account relevant planning requirements set out in the Planning Brief and the prevailing planning circumstances. The zonings also allowed an integrated design of public open space with the future development on the application site. The proposed amendments to the Outline Zoning Plan (OZP) was considered not necessary; and
- (b) the proposed amendments to the OZP would limit the flexibility in the layout and design of the future development on the application site especially when the site was subject to adverse air and noise impacts from

incompatibility of the proposed use within a building in the densely populated urban area, the longstanding local complaints against such use, and nuisance from burning of incense; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the proposed use was generally not incompatible with the existing commercial uses of the subject building and would not cause major nuisance; adverse environmental impact was unlikely as there would be limited incense burning without any incineration activities and no religious ceremonies would be held; a smoke filtering system was proposed; and concerned Government departments, including the Fire Services Department and Environmental Protection Department, had no objection to the application.

91. Questions raised by the Members were :

- (a) whether there would be urns for human ashes associated with the proposed use;
- (b) whether the number of people attending ceremonies could be limited; and
- (c) whether there was any assessment in relation to fire evacuation.

92. In reply, the Chairman and Ms. Christine K.C. Tse, DPO/HK, made the following points :

- (a) according to the applicant, the proposed use would only involve worshipping activities and no ceremonial activities would be held;
- (b) referring to Drawing A-1 of the Paper, the applicant had estimated the maximum number of visitors during peak hours of the special festivals would be 30 people per hour. The application premises was about 157m² in floor area and the operation was considered small in scale. It was

difficult to set an exact limit to the number of visitors and difficult to enforce such restriction. The main consideration should be whether the proposed use at the premises was suitable; and

- (c) according to the Buildings Department's comments as stated on paragraph 9.1.2 of the Paper, the applicant should appoint an Authorized Person to demonstrate that the loading and construction of the smoke outlets would be in compliance with the requisite fire resisting separation requirement with the adjoining building.

Deliberation Session

93. The Chairman said that the current application involved an extension to an application (No. A/H3/354) previously approved by the Committee in November 2004, with an approval condition that no incineration activities would be allowed at all times at the premises. Referring Members to Plan A-5 of the Paper, the Secretary point out that the incinerator had been removed. Nonetheless, in view of Members' and the local concerns, the Chairman suggested that a similar condition be included in the current application should the application be approved. The Secretary added that the applicant could also be advised to limit the maximum number of people as stated in the current application. The Committee agreed.

94. 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 28.10.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) no incineration activities would be allowed at all times at the premises; and
- (b) compliance with the Fire Safety Improvement Directions and the provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

95. The Committee also agreed to advise the applicant to :

- (a) limit the number of people in the premises as stated in the application; and
- (b) note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department and the Director of Fire Services in paragraphs 9.1.2 and 9.1.3 respectively and the public comments in paragraph 10 of the Paper.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/H8/374 Proposed Shop and Services
in “Residential (Group E)” zone,
Units 1, 2(Portion), 3, 4(Portion), G/F, Cheong Lee Building,
206-208 Tsat Tsz Mui Road,
North Point
(MPC Paper No. A/H8/374)
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Presentation and Question Session

96. Mrs. Alice Mak, 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 use;
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) three public comments were received, one of which indicated no objection to the application. Another objected to the application on the grounds of illegal occupation and obstruction of the pavement and one comment raised concern on the charging of rates and fees when, the application premises had been changed to retail shops; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper in that the proposed use was compatible with the surrounding developments and was in line with the planning intention of the “Residential(Group E)” zone in phasing out existing industrial uses through redevelopment or conversion. Adverse traffic and environmental impacts were unlikely. Concerned Government departments, including the Transport Department and Commissioner of Police, had no objection to the application. The Commissioner of Rating and Valuation advised that the ratable value of the premises was being reviewed.

97. Members had no question on the application.

Deliberation Session

98. In response to local concerns on illegal occupation of the pavement, the Committee agreed to advise the applicant not to occupy or obstruct the pavement outside the premises.

99. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that fire services installations for the proposed use at the subject premises should be provided to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 28.10.2009, 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.

100. The Committee also agreed to advise the applicant :

- (a) not to occupy or obstruct the pavement outside the premises; and
- (b) to note the comments from the District Lands Officer/Hong Kong East of Lands Department, the Director of Fire Services, the Chief Building

Surveyor/Hong Kong East of Buildings Department, the Commissioner of Police and the Commissioner of Rating and Valuation as stated in paragraphs 8.1.1, 8.1.2, 8.1.3, 8.1.5 and 8.1.6 of the Paper respectively.