

TOWN PLANNING BOARD

Minutes of 315th Meeting of the Metro Planning Committee held on 11.11.2005

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Dr. Rebecca L.H. Chiu

Mrs. Angelina P.L. Lee

Mr. S.L. Ng

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

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

Assistant Director (Environmental Assessment and Noise),
Environmental Protection Department
Mr. Elvis W.K. Au

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

Secretary

Absent with Apologies

Dr. Alex S.K. Chan

Mr. K.G. McKinnell

Dr. Greg C.Y. Wong

Mr. Erwin A. Hardy

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

Deputy Director (General), Lands Department
Mr. J.S. Corrigan

In Attendance

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

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

Town Planner/Town Planning Board
Mr. Anthony K.O. Luk

Agenda Item 1

Confirmation of the Draft Minutes of the 314th MPC Meeting held on 28.10.2005

[Open Meeting]

1. The draft minutes of the 314th MPC meeting held on 28.10.2005 were confirmed without amendments.

[Dr. K.K. Wong arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Four Outline Zoning Plans

2. The Secretary informed Members that on 8.11.2005, the Chief Executive in Council (CE in C) approved the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/18A (renumbered S/TP/19), draft North East Lantau OZP No. S/I-NEL/11A (renumbered S/I-NEL/12), draft Chai Wan OZP No. S/H20/16A (renumbered S/H20/17) and draft Tin Shui Wai OZP No. S/TSW/9A (renumbered S/TSW/10) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of these OZPs would be notified in the Gazette on 18.11.2005.

(ii) Reference Back of Two Outline Zoning Plans

3. The Secretary reported that on 8.11.2005, the CE in C referred the approved Wan Chai OZP No. S/H5/23 and approved Tuen Mun OZP No. S/TM/20 back to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the approved OZPs for amendment would be notified in the Gazette on 18.11.2005.

Hong Kong District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions Only)]

Submission for Compliance with an Approval Condition
of the S.16 Application No. A/H19/39
Revised Design and Layout together with Detailed Landscaping Proposal
for the Proposed Redevelopment of the Existing Stanley Temporary Market,
Refuse Collection Point and Public Toilet for 'Market' Use
in "Open Space" zone,
Stanley Bay Reclamation Area, Stanley
(MPC Paper No. 29/05)

4. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), Mr. Kevin C.P. Ng, Senior Town Planner/Hong Kong (STP/HK), and the following representatives from the Architectural Services Department (ArchSD) and the Food and Environmental Hygiene Department (FEHD) were invited to the meeting at this point :

Mr. Andrew Hall Lewis (ArchSD)

Mr. Chu Yim-kwong (ArchSD)

Mr. Fung Wing-kee (ArchSD)

Mr. Tai Chun-shing (FEHD)

Mr. Shum Nam-lung (FEHD)

5. The Chairman extended a welcome and said that the submission was originally scheduled for consideration by the Committee on 28.10.2005. Due to insufficiency of time, consideration of the submission was rescheduled to the present meeting. The Chairman offered an apology to the representatives from the above departments for keeping them waiting at the last meeting and for the last-minute rescheduling of the item.

6. The Chairman said that an approval condition governing the implementation of a development was normally followed up by relevant Government departments. When considering the application on 25.4.2003, Members were concerned about the design and

layout of the new market. An approval condition was therefore imposed to specifically require the applicant to submit the revised design to the Board for consideration. The Town Planning (Amendment) Ordinance (the Amendment Ordinance) provided for the opening up of the Committee meetings to the public except the deliberation parts and under some special circumstances (e.g. when confidential information was involved). Since the current submission for compliance with approval condition was neither a planning application nor falling within those special circumstances prescribed under the Amendment Ordinance, the Chairman suggested that the whole discussion of the Committee on the submission could be open to public viewing. Members agreed.

Presentation Session

7. Mr. Kevin C.P. Ng, STP/HK, presented the submission as detailed in the Paper. The Committee had on 25.4.2003 considered the application for redevelopment of the existing Stanley Temporary Market, refuse collection point and public toilet at the subject site for 'market' use and extension of time limit for temporary retention of the refuse collection point. An approval condition, among others, was imposed requiring the submission of a revised design and layout plan together with a detailed landscaping proposal. On 7.10.2005, the applicant submitted a revised design and layout together with the landscaping proposal with a view to discharging the related approval condition.

8. Mr. Andrew Hall Lewis covered the following aspects in his presentation as detailed in the Paper :

- (a) the design principle of the market and the associated open space;
- (b) the design and layout of the kiosks;
- (c) the proposal of separating the tourism-related kiosks from market kiosks through proper grouping and arrangement; and

[Mr. Daniel B.M. To arrived to join the meeting at this point.]

- (d) the detailed landscaping proposal including seating areas, planting and landscaping features.

Discussion Session

9. The Chairman remarked that when considering the application in 2003, the Committee was concerned about the integration of the market with the surrounding environment, the design of the stalls to satisfy the needs of local residents and tourists, and the landscaping features of the whole scheme.

Need of wet market stalls

10. A few Members questioned about the need of providing wet market stalls in this area as co-location of wet and dry goods might affect the attractiveness of the area as a tourist spot. One Member also commented that there might not be enough customers to support the wet market stalls. In response, Mr. Tai Chun-shing and Mr. Shum Nam-lung said that, in consulting the Ma Hang Area Committee, the local residents had requested for the reprovisioning of wet market stalls after demolition of the Stanley Temporary Market. The Southern District Council also supported the proposal. There was no site in the vicinity suitable for permanent relocation of the market stalls in the near future.

Design and layout of market stalls

11. A few Members sought clarification on the following points :
 - (a) whether the front or back elevation as shown on Drawing No. 10 of the Paper would be facing the Chek Chue Wan;
 - (b) whether the side of the kiosks facing the emergency vehicular access (EVA) should also be used as shop frontage so as to improve the pedestrian flow and the liveliness of this part of the site;
 - (c) whether the tensile structures could withstand the strong winds in typhoon seasons;

- (d) whether the promenade could incorporate level changes or steps to resemble the up-and-down of sea waves, with seating areas provided near the embankment;
- (e) whether the building materials of the EVA would be compatible with the surrounding environment; and
- (f) whether the soccer pitch would be available for other uses such as flea market, given the market area was relatively small.

12. Mr. Fung Wing-kee and Mr. Andrew Hall Lewis made the following responses :

- (a) the ArchSD had participated in the design and development of a number of tourist spots before and one of the design principles was to help express the character of the tourist spot through architectural and landscape features. In consultation with the Tourism Commission, it was proposed to adopt a Mediterranean style in designing the area. The tensile structures above the market stalls were to echo the wind surfing and various water sports in Stanley. The front elevation in Drawing No. 10 would be facing the Chek Chue Wan. As indicated in Drawing No. 9 of the Paper, the stall front would be installed with 1.3m-wide glass sliding gate. The glass panel was intended to delineate the limit of the area for displaying goods. Some tables and seating areas would be put along the covered walkway in front of the stalls;
- (b) the EVA was in fact a drainage reserve where no building structures would be permitted. As required by the Fire Services Department, a 6m wide EVA should be maintained. After discounting the width of the EVA, only a 2m wide strip would be available for loading and unloading activities associated with the kiosks. The other side of the EVA mainly comprised a row of old buildings with no shop frontage. As illustrated in Drawing No. 6 of the Paper, some trees and planters would be placed along the EVA facing these buildings to provide screening and

demarcation of the market area;

- (c) the tensile structures were robust and built to the highest engineering standards that could resist typhoons;
- (d) there would be level changes in the design of the promenade. The promenade would gradually step down from the viewing platform at Murray House towards the soccer pitch. There were also level changes across the market area in the form of steps. Seating areas would be provided at the boardwalk along the promenade;
- (e) the EVA would be repaved with granite stone and accent bandings would extend from the EVA to the key posts of the shopping kiosks to create a sense of coherence among different parts of the site; and
- (f) the soccer pitch was an important recreational facility to the local residents, but no suitable site in the vicinity could be identified for reprovisioning. However, the fence of the soccer pitch would be replaced by other designs like folding gate such that it might be used as an open-air market or for holding special events during festivals.

13. In response to a Member's question on the preservation of a temple at the end of Stanley Main Street, the Chairman responded that the temple was outside the boundary and scope of this improvement project.

[Mrs. Angelina P.L Lee arrived to join the meeting and Dr. K.K. Wong left the meeting temporarily at this point.]

Landscaping features

14. In response to a Member's question, Mr. Andrew Hall Lewis said that the circular lawn would be used as an informal recreational and seating area for visitors. Some sculptures might be placed there to enhance the attractiveness of the lawn.

[Dr. K.K. Wong returned to the meeting and Mr. Elvis W.K. Au left the meeting temporarily at this point.]

Composition and separation of kiosks

15. A few Members were concerned about the management problem arising from the co-location of market stalls selling tourism-related goods and wet goods respectively. One Member suggested that they should be fully separated. Another Member asked whether the stall size was too small such that the goods had to be put outside the stalls. Mr. Tai Chun-shing and Mr. Shum Nam-lung responded that the 20 kiosks would be divided into eight groups, each in terms of two or three stalls, and the distance between each group would be 2.5m to ensure convenient access to the patrons. Nine of these 20 kiosks would be wet-good stalls. In determining the proportion of dry and wet good stalls, reference had been made to the provision in the Temporary Stanley Market and the proportion of dry-goods stalls had already increased. The kiosks had an average size of 11.9m² which was already larger than that in the Stanley Temporary Market. If necessary, the kiosk size might be enlarged by combining two stalls. Through proper guidance and management measures (e.g. complete separation of foods from customers, and use of glass sliding gate and coloured tiles to demarcate the limits of wet-good stalls), the operation would not resemble a traditional wet market. FEHD would closely supervise their operations to ensure that the area surrounding the kiosks would be clean and comfortable.

[Professor Bernard V.W.F. Lim arrived to join the meeting and Mr. Elvis W.K. Au returned to the meeting at this point.]

Management of the market

16. A few Members sought clarification on the following points :
- (a) whether the market could be turned into a flea market on Sunday or a bazaar dedicated to a specific theme during festivals; and
 - (b) whether the noise and fumes generated from the catering kiosks would affect the residents nearby.

17. Mr. Tai Chun-shing and Mr. Shum Nam-lung made the following responses :

- (a) the FEHD would set up a management advisory committee with the stall operators and would regularly review the operation of the kiosks, including the possibility of holding special events on Sunday or during festivals; and
- (b) the catering kiosks would only offer take-away food. If necessary, FEHD might consider restricting the use of fuel (e.g. only electricity was allowed) or requiring the installation of smoke reduction devices.

18. Majority of the Members appreciated the revised design and layout as well as the detailed landscaping proposal in the submission. The Chairman suggested the representatives of ArchSD and FEHD to consider the views raised by Members with regard to the management issues.

19. After deliberation, the Committee decided to agree to the revised design & layout and the detailed landscaping proposal, and that the approval condition on the “submission of a revised design and layout together with a detailed landscaping proposal to the satisfaction of the Town Planning Board” under planning application No. A/H19/39 could be discharged. The Committee also agreed to advise the applicant to note the comments of the Commissioner for Tourism and the Director of Fire Services in paragraphs 4.1.1 and 4.1.2 of the Paper respectively.

[The Chairman thanked Mr. Andrew Hall Lewis, Mr. Chu Yim-kwong, Mr. Fung Wing-kee, Mr. Tai Chun-shing, Mr. Shum Nam-lung and Mr. Kevin C.P. Ng for their attendance to answer Members’ enquiries. Messrs. Lewis, Chu, Fung, Tai, Shum and Ng left the meeting at this point.]

[Mr. Daniel B.M. To and Professor N.K. Leung left the meeting temporarily at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H11/91 Proposed Minor Relaxation of Building Height Restriction
 in “Residential (Group C)1” zone,
 8 Po Shan Road,
 Mid-Levels West

 (MPC Paper No. A/H11/91)

20. The application was submitted by a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). The Committee noted that Mrs. Angelina P.L. Lee, Dr. Greg C.Y. Wong and Dr. Alex S.K. Chan declared interests in this item as Mrs. Lee, Dr. Wong and Dr. Chan had current or past business dealings with SHKP. Dr. Wong and Dr. Chan had tendered their apologies for being unable to attend the meeting. As this was a request for deferral, Members agreed that Mrs. Lee could stay in the meeting.

Presentation and Question Session

21. The Committee noted that the applicant requested on 2.11.2005 for a deferment of the consideration of the application to allow time for addressing public comments and consulting relevant Government departments on the application.

[Professor N.K. Leung returned to the meeting at this point.]

Deliberation Session

22. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months (from the said meeting) were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Ms. Christine K.C. Tse, DPO/HK for her attendance to answer Members' enquiries. Ms. Tse left the meeting at this point.]

Kowloon District

[Mr. Raymond K.W. Lee, District Planning Officer/Kowloon (DPO/K), and Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K13/206 Shop and Services (Bank)
in "Other Specified Uses" annotated "Business" zone,
Unit 2, G/F,
Kowloon Bay Industrial Centre,
15 Wang Hoi Road,
Kowloon Bay

(MPC Paper No. A/K13/206)

Presentation and Question Session

23. Mr. C.C. Lau, 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 (bank);
- (c) departmental comments – no adverse comments from concerned Government departments were received. The Fire Services Department (FSD) tolerated this type of non-industrial activities regardless of floor

area provided that the bank and the industrial occupancies were completely divorced from each other by suitable fire resisting period with direct discharge to the street level;

- (d) two public comments were received – both indicating support to the application. A local objection was received which indicated that the application would affect the development and planning of Kowloon Bay commercial buildings; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper.

24. In response to the Chairman's enquiries, Mr. Raymond K.W. Lee, DPO/K, said that certain supporting services like bank were not counted towards the aggregate commercial floor areas limits (i.e. not more than 230m² and 460m² of commercial floor area within non-sprinklered and sprinklered industrial buildings respectively) that were considered acceptable by FSD. The premises would be used specifically for the applied use, i.e. bank.

[Mr. Daniel B.M. To returned to the meeting at this point.]

Deliberation Session

25. A Member asked whether the bank should be restricted to those institutions authorized by the Hong Kong Monetary Authority. Another Member raised concern on the possible security problem as cash escort vehicle had to be parked on street. The Chairman responded that the applicant was an established banking institution in Hong Kong, which should have the expertise in handling cash escorting activities.

26. In response to a Member's and the Chairman's questions, the Secretary clarified that if the applicant applied for 'shop and services' use without any specification, a range of commercial uses which came under the definition of the broad use term 'shop and services' would be allowed. For the subject application in which the bank use had been specified, an approval condition should be imposed to restrict the premises specifically to the applied use i.e. the bank use only. Apart from bank, the FSD would tolerate a few other types of

non-industrial uses that were supporting the industrial activities. FSD had agreed that these criteria could be released for public information. These criteria together with the 230m²/460m² criteria of commercial floor area in industrial buildings would be incorporated in the relevant Town Planning Board Guidelines accordingly.

27. 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 11.11.2009, 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) the application premises should be restricted to bank use only; and
- (b) the proposed bank and industrial occupancies to be completely separated from each other by suitable fire resistance period and design, also the provision of fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB.

28. The Committee also agreed to advise the applicant of the following :

- (a) consult District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver or lease modification for the proposed use under application;
- (b) all loading/unloading activities should observe road restriction requirements in force and parking should be confined within the building's carpark as stipulated in subject land lease; and
- (c) the sewage originating from the proposed bank would be discharged into the internal system of the subject premises.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K14/486 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit 2, G/F,
Century Centre,
44-46 Hung To Road,
Kwun Tong

(MPC Paper No. A/K14/486)

Presentation and Question Session

29. Mr. C.C. Lau, 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 service;
- (c) departmental comments – Fire Services Department (FSD) objected to the application as the floor area of the proposed shop and services use exceeded the tolerable limits of 460m² for this fully sprinklered industrial building. The District Officer (Kwun Tong) (DO(KT)) raised concerns on traffic arising from the application;
- (d) two public comments were received – both indicating support to the application. No local objection was received by DO(KT); and
- (e) the Planning Department’s views – the application was not supported in view of the fire safety concern raised by FSD.

30. In response to the Chairman’s question, Mr. Raymond K.W. Lee, DPO/K, said that the Committee had approved a number of commercial uses on ground floor of the subject building. The total approved gross floor area was about 483m² as detailed in paragraph 6.1 of the Paper.

Deliberation Session

31. While agreeing to rejecting the application, a Member commented that the 460m² limit was prescriptive in nature and would result in allocating the commercial floor space on a first-come-first-served basis. It did not allow the applicant to come up with alternative approach in satisfying the fire safety concern.

32. The Chairman responded that when deliberating similar applications on 28.10.2005, representatives of FSD had advised that the restrictions might be overcome through building design, e.g. provision of a refuge floor or a car park floor to separate the industrial floors from commercial uses. The Secretary supplemented that similar views had been covered in the discussion last time and action was in hand to revise the relevant Town Planning Board Guidelines for consideration of the Committee. Apart from incorporating the 230m²/460m² commercial floor area limits, consideration might also be given to specifying a shorter time limit for complying with FSD's requirements if the commercial use was already existing at the application premises. If the commercial use was yet to be implemented, a shorter commencement period might be imposed to discourage pre-emptive and unrealized applications.

33. After deliberation, the Committee decided to reject the application and the reason was that the application was not acceptable from fire safety point of view.

[The Chairman thanked Mr. Raymond K.W. Lee, DPO/K, and Mr. C.C. Lau, STP/K, for their attendance to answer Members' enquiries. Messrs. Lee and Lau left the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr. Michael C.T. Ma, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/472 Wholesale Trade
 in “Other Specified Uses” annotated “Business” zone,
 Workshop A, G/F,
 Hang Seng Centre,
 95-97 Tung Chau Street,
 Mong Kok
 (KIL 6528 and 7771)
 (MPC Paper No. A/K3/472)

Presentation and Question Session

34. Mr. Michael C.T. Ma, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed wholesale trade;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department’s views – Planning Department had no objection to the application for reasons given in paragraph 10.1 of the Paper.

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should

be valid until 11.11.2009, 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.

37. The Committee also agreed to advise the applicant of the following :

- (a) the Director of Fire Services should be consulted on the fire safety aspect of the proposed wholesale trade use at the Premises; and
- (b) the District Lands Officer/Kowloon West, Lands Department should be consulted on the land lease matters for the proposed wholesale trade use at the Premises.