

## **TOWN PLANNING BOARD**

### **Minutes of 370th Meeting of the Metro Planning Committee held at 9:00 a.m. on 28.3.2008**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Assistant Commissioner for Transport (Urban),  
Transport Department  
Mr. Anthony Loo

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. Simon Hui

Assistant Director (Kowloon), Lands Department  
Mr. James Merritt

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

Secretary

**Absent with Apologies**

Professor N.K. Leung

Mr. Stanley Y.F. Wong

Mr. Felix W. Fong

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Ms. Karina W.M. Mok

**Agenda Item 1**

Confirmation of the Draft Minutes of the 369th MPC Meeting held on 7.3.2008

[Open Meeting]

1. The draft minutes of the 369th MPC meeting held on 7.3.2008 were confirmed subject to the amendment of the second line of paragraph 48 to read “Mr. Anthony K.C. Loo explained that the hotel development under application was small in scale”.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Approval of Draft Plan

2. The Secretary reported that on 11.3.2008, the Chief Executive in Council had approved the Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) (to be renumbered as No. S/SK-TMT/4) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP was notified in the Gazette on 20.3.2008.

[Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

**General**

[Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK), Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), Ms. Phyllis C.M. Li, Chief Town Planner/Special Duties (CTP/SD), and Mr. Charles C.F. Yum, Senior Town Planner/New Territories District Planning Divisions Headquarters (STP/NTHQ), were invited to the meeting at this point.]

### **Agenda Item 3**

[Open Meeting (whole agenda item)]

Review of Sites Designated “Comprehensive Development Area”  
on Statutory Plans in the Metro Area for the Year 2007/2008  
(MPC Paper No. 16/08)

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#### **Presentation and Question Sessions**

3. Mr. Charles C.F. Yum, STP/NTHQ, stated that it had been the Committee’s practice to review, on an annual basis, the “Comprehensive Development Area” (“CDA”) zoning for sites that had been so zoned on the statutory plans in the Metro Area for more than 3 years, with or without an approved Master Layout Plan (MLP). The review would assist the Committee in considering whether the zoning of individual “CDA” sites should be retained or amended and in monitoring the progress of “CDA” developments. Mr. Yum then presented the results of the review as detailed in the Paper and covered the following main points :

- (a) excluding those falling within the Development Scheme Plans prepared by the Urban Renewal Authority or the then Land Development Corporation, the subject review covered a total of 44 “CDA” sites, 20 of them had no approved MLP and the remaining 24 had approved MLP;

#### **“CDA” Sites with No Approved MLP**

- (b) for the 20 “CDA” sites with no approved MLP, 18 of them were proposed for retention mainly because they were either programmed for land disposal, under planning studies/reviews, recorded with some progress in implementation, or with outstanding concerns such as traffic, environmental and visual impacts that needed to be addressed. The “CDA” designation was essential for providing guidance on the proper development of these sites. Detailed justifications for their retention were given in Appendix I of the Paper;
- (c) as detailed in Appendix II of the Paper, two “CDA” sites with no approved

MLP had potential for rezoning. The first one was located to the immediate west of the MTR Chai Wan Station, Chai Wan (No. H36) covering the existing Chai Wan Flatted Factory site together with the adjoining open-air public transport terminus. The Housing Department had indicated that the public housing development at this site would no longer be pursued due to the environmental pollution problems generated by the nearby industrial uses and road traffic. The second one was located at Forbes Street, Kennedy Town (No. H37) which was no longer required by the Hong Kong Housing Society for rehousing purpose to facilitate the urban renewal process in the Western District;

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

“CDA” Sites with Approved MLP

- (d) for the 24 “CDA” sites with approved MLP, 19 of them were proposed for retention as they either had some progress in implementation or were at various stages of implementation. The “CDA” designation would ensure their proper implementation in accordance with the approved MLPs and approval conditions. Detailed justifications for their retention were given in Appendix III of the Paper; and
- (e) 5 “CDA” sites with approved MLP were considered to have potential for rezoning. They included the site at the Airport Railway Hong Kong Station, Central (No. H20), the site at Po Lun Street, Lai Chi Kok (No. K17), the site at 500-502 Tung Chau Street, Cheung Sha Wan (No. K46), the site at Hanoi Road, Tsim Sha Tsui (No. K53) and the site at 25-51 Wo Yi Hop Road, Kwai Chung (No. TW22). The developments at these sites were completed or near completion. As such, they had potential for rezoning to reflect their respective uses subject to implementation of the approved MLP/approval conditions or issuance of the Certificate of Compliance. The rezoning proposals with justifications for these sites were detailed in Appendix IV of the Paper.

[Ms. Sylvia S.F. Yau and Ms. Starry W.K. Lee arrived to join the meeting at this point.]

4. A Member recalled that the “CDA” designation of a site at Yau Tong might need to be reviewed to address implementation issues and asked if that site had been covered in the subject review. Referring to Appendix I of the Paper, Mr. Eric C.K. Yue, DPO/K, replied that the site concerned was at Yau Tong Industrial Area (No. K38) with its implementation hindered by land assembly problem. In this regard, on-going discussions with the concerned lot owners had been conducted and options including the sub-division of the “CDA” site into two or smaller sites to take into account the land ownership pattern were being explored. The results of the review of that “CDA” site would be reported to the Committee for consideration when available.

5. The same Member asked if the Government had been providing assistances for the other “CDA” sites with a view to resolving implementation problems as in the case of Yau Tong Industrial Area. Mr. Eric Yue replied in the affirmative. For example, the development schemes previously submitted in respect of another “CDA” site at Yau Tong Bay (No. K13) were considered not acceptable by the Town Planning Board (the Board) on 7.9.2007. Upon the Board’s request, the Planning Department (PlanD) had prepared a planning assessment report for that “CDA” site and the Committee agreed at the meeting held on 7.3.2008 that the proposed development parameters in the planning assessment report should form a basis for the preparation of planning brief for that “CDA” site to guide future development. In the case of Hong Kong Island, Ms. Brenda K.Y. Au, DPO/HK, said that the “CDA” sites with no approved MLP had recorded with progress in implementation as detailed in Appendix I of the Paper and had not encountered similar difficulties in implementation. The same Member said that assistance similar to the efforts in resolving the implementation problems of the two “CDA” sites in Yau Tong should be provided for the other “CDA” sites with significant implementation difficulties. Given “CDA” sites were designated in the interest of the wider public for comprehensive development/redevelopment of the area, the Chairperson agreed that similar proactive approach on the part of the Government to assist in early implementation of “CDA” developments should be adopted.

6. The Secretary supplemented that according to the Town Planning Board Guidelines No. 17 for “Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments”, priority would be given to review those “CDA” sites with no approved MLP

or for which no implementation agency could be identified. In case the lot owners or developers of “CDA” sites encountered any significant difficulties in implementation, they could approach the PlanD for advice or assistance. As for the subject review, some “CDA” sites with approved MLPs had already recorded with good progress in implementation though they might not be ready for rezoning this year. For those sites without approved MLP, planning action was in hand to facilitate implementation e.g. planning brief had been or was being prepared for the “CDA” sites at Oil Street, North Point (No. H23) and Diamond Hill (No. K19) respectively to guide the future development of these sites. Planning brief for another “CDA” site at the former Lingnan Campus site at Stubbs Road (No. H29) would also be prepared in due course. In addition, review of “CDA” sites in Yau Tong was being undertaken.

[Dr. Greg C.Y. Wong left the meeting temporarily at this point.]

7. While supporting the designation of “CDA” sites to provide opportunity for comprehensive development/redevelopment, another Member noted that some “CDA” sites under review covered a relatively large area. There were concerns on whether the large site area would hinder the implementation or render it for implementation by large developers only. To facilitate early implementation and allow small developers to participate, there might be merits to sub-divide the large “CDA” sites into smaller sites while maintaining the need for the submission of MLP to ensure comprehensive planning and design.

8. The Chairperson said that many large “CDA” sites such as the Whampoa Garden had already been implemented. Besides, there was already allowance for phased development under the “CDA” zoning and the proposed phasing could be revised if justified by the applicant. The Secretary added that the Town Planning Board Guidelines No. 17 had set out the considerations in the designation of “CDA” sites, which included, among others, land ownership, prospect for implementation, etc. Besides, a “CDA” site could be implemented by one or more developers so long as the MLP for the whole site would be prepared and implemented by the respective developers in part in accordance with the approved MLP.

[Dr. Greg C.Y. Wong returned to join the meeting at this point.]

Deliberation Session

9. After deliberation, the Committee decided to :
- (a) note the findings of the review of sites designated “CDA” on statutory plans in the Metro Area for the Year 2007/2008;
  - (b) agree to the retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1 and 4.2.2 and detailed in Appendices I and III of the Paper; and
  - (c) note the sites with potential for rezoning as mentioned in paragraphs 4.1.2 and 4.2.3 and detailed in Appendices II and IV of the Paper.
10. The Committee also noted that the details with respect to the rezoning proposals of those “CDA” sites with potential for rezoning would be presented to the Committee for consideration in due course.

[The Chairperson thanked Ms. Brenda K.Y. Au, DPO/HK, Ms. Heidi Y.M. Chan, DPO/TWK, Mr. Eric C.K. Yue, DPO/K, Ms. Phyllis C.M. Li, CTP/SD, and Mr. Charles C.F. Yum, STP/NTHQ, for their attendance to answer Members’ enquiries. They all left the meeting at this point.]

**Kowloon District**

**Agenda Item 4**

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K14S/1                      Application for Amendment to the  
Approved Kwun Tong (South) Outline Zoning Plan No. S/K14S/15  
from “Government, Institution or Community (1)” to “Open Space”,  
Tsun Yip Cooked Food Market,  
67 Tsun Yip Street, Kwun Tong  
(MPC Paper No. Y/K14S/1B)

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Presentation and Question Sessions

11.            The Committee noted that the applicant’s representative had requested on 5.3.2008 and 7.3.2008 for deferment of the consideration of the application for two months in order to allow time for the applicant to consult the relevant Government departments to resolve outstanding issues. According to the applicant, scheme options for the temporary and long-term reprovisioning of Tsun Yip Cooked Food Market were being formulated and a meeting with the Planning Department on this matter would be held.

Deliberation Session

12.            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 three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

**Agenda Item 5**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/K7/87                   Proposed School (Tutorial School)  
  in “Residential (Group B)” zone,  
  G/F, 144A Boundary Street,  
  Ho Man Tin  
  (MPC Paper No. A/K7/87)
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Presentation and Question Sessions

13.           Mr. C.C. Lau, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application, highlighting that the 24 planning approvals for similar use under the “Residential (Group B)” zone in the Boundary Street/Prince Edward Road West neighbourhood, including three of them within the subject residential development, were all granted by the Committee before the promulgation of the Town Planning Board Guidelines No. 40 for “Application for Tutorial School under section 16 of the Town Planning Ordinance” on 15.2.2008;
- (b)   the proposed school (tutorial school) use;
- (c)   departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d)   four public comments were received during the statutory publication period raising objection to the application. The major grounds of objection included nuisance to the local residents, traffic safety, illegal parking, noise, hygiene, environmental as well as law and order problems, lack of recreation space in the subject residential development, and exacerbation of the disputes among the local residents, drivers to the communal carpark of the subject residential development and users of the proposed tutorial school; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper. The proposed tutorial school did not comply with the Town Planning Board Guidelines for “Application for Tutorial School under section 16 of the Town Planning Ordinance”. The application premises was located at the inner part of the subject residential development, abutting a communal carpark and adjoining a staircase leading to the domestic units on the upper floors of the subject residential development. Besides, it could only be accessed via the main gate of the subject development at Boundary Street which served also the local residents and vehicles to the communal carpark. As such, there was no separate access exclusively serving the proposed tutorial school and the applicant had not provided a practical and implementable proposal to demonstrate that the proposed tutorial school would not create nuisance to the local residents. Approval of the application would also set an undesirable precedent for similar applications in the area.

14. Members had no question on the application.

#### Deliberation Session

15. The Committee noted that the Town Planning Board Guidelines for “Application for Tutorial School under section 16 of the Town Planning Ordinance” had been promulgated and the proposed tutorial school could not satisfy the requirements stipulated under the Guidelines.

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

- (a) the proposed development did not comply with the Town Planning Board Guidelines for “Application for Tutorial School under section 16 of the Town Planning Ordinance” in that the application premises was at the inner part of the residential development without separate exclusive access and

the proposed tutorial school might cause disturbance or nuisance to the local residents; and

- (b) the approval of the application would set an undesirable precedent for similar applications for tutorial schools within the residential buildings in the area which had no separate access to the application premises from public road.

[Mr. Walter K.L. Chan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K9/224 Proposed Commercial Bathhouse and Massage Establishment in “Residential (Group A)4” zone, Flats E and F on G/F, Flats E and F on M/F and Flats A to V on 1/F, Cheong Lok Mansion, 1-11 Lo Lung Hang Street, Hung Hom (MPC Paper No. A/K9/224)
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#### Presentation and Question Sessions

17. 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 commercial bathhouse and massage establishment, highlighting that its entrance would be via an exclusive staircase to be provided at the two shop units on the ground and mezzanine floors;
- (c) departmental comments – concerned Government departments, including the Director of Fire Services and the Chief Building Surveyor/Kowloon,

Buildings Department, had no objection to or adverse comments on the application;

- (d) a total of 41 public comments were received during the statutory publication period raising objection to the application mainly for reasons that the proposed use would attract strangers, bring about triad-related crimes, affect the tranquil environment of the area and lead to depreciation of property value. There were also concerns on personal safety and nuisance to the local residents. One of the commenters indicated that if the application was to be approved by the Committee, a shorter approval period of not more than 5 years should be given and the operation hours of business should be specified. During the statutory publication period of the further information submitted by the application, five public comments were received. Four of them objected the application for similar reasons. The remaining one supported the application as the proposed use would provide massage service and job opportunities, improve local economy and generate revenue for building maintenance; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to approving the application on a temporary basis for a period of 3 years for the reasons as detailed in paragraph 11 of the Paper. The proposed use complied with the Town Planning Board Guidelines No. 14B for “Application for Commercial Bathhouse and Massage Establishment under section 16 of the Town Planning Ordinance”. Located in the non-domestic portion of an existing commercial/residential (C/R) building which was situated in a neighbourhood with mixed uses of C/R developments, the proposed use was considered not incompatible with the surrounding developments of the subject building and the commercial uses within the same building. The application premises had its own entrance on the ground and mezzanine floors which would be separated from the entrances leading to the residential use on the upper floors of the subject building. While there were shared lifts and emergency staircases, the applicant had proposed to install security alarm system to prevent unnecessary access from the proposed use to the other parts of the subject

building. As regards the commenters' objection, the operation of the proposed use would be subject to licensing control by the Commissioner of Police and the Director of Food, Environment and Hygiene. Besides, a temporary approval for a period of 3 years to monitor the operation of the proposed use and an approval condition requiring the applicant to provide security alarm system at the emergency exits on the 1/F of the shared staircases and lifts had been recommended.

18. Noting that the application site was zoned "Residential (Group A)" ("R(A)") and the proposed use would normally not be permitted within a residential neighbourhood under the Town Planning Board Guidelines No. 14B as stated in paragraph 4(a) of the Paper, a Member asked about the land uses of the neighbourhood at which the application premises was situated. Mr. C.C. Lau replied that the application premises was not situated in a pure residential neighbourhood, there were many C/R buildings with commercial/retail uses located on the lower floors. Due to the proximity with the funeral parlours, funeral-related uses such as coffin, wreath and flower shops were common on the ground floor of buildings. Referring to paragraph 7.2 of the Paper and Plans A-3 to A-5 of the Paper, the ground floor of the subject building was partly vacant and partly occupied by coffin and flower shops. Another Member asked if there were other similar cases with commercial bathhouse and massage establishment located on the lower floors and residential use in the upper floors of the same building in the area. Mr. C.C. Lau replied that there was no such information at hand. However, referring to Plan A-1 of the Paper, the Committee had approved two previous applications (No. A/K9/103 and 162) for such use under the "R(A)"/"R(A)4" zonings at San Lau Street and Wuhu Street respectively.

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

19. In response to the Chairperson's enquiry on paragraph 11.4 of the Paper which stated that access to the application premises was not entirely separated from the domestic portion of the subject building, Mr. C.C. Lau explained that the application premises had its own separate entrance on the ground and mezzanine floors. However, there were shared lifts and staircases leading to the upper residential floors of the subject building through the 1/F. The applicant had indicated that they would only be used as emergency exits and proposed to install security alarm system to link up the emergency exits and the management

office of the subject building. In approving the two previous applications for the same use at San Lau Street and Wuhu Street, similar approval condition requiring the applicant to provide security alarm system at the emergency staircases had also been imposed. A Member noted that there were four staircases and two lifts serving the upper residential floors through the 1/F according to the applicant's submission. While security alarm system could be triggered when the security doors were opened, that Member raised concern on how the security alarm system could be installed at the shared lifts.

### Deliberation Session

20. A Member raised the concern on the feasibility of installing security alarm system at the shared lifts. Blocking the lifts' door on the 1/F might not be allowed on fire safety ground either. Notwithstanding, the Member said that the shared lifts could be set not to stop on the 1/F, except the firemen's lift which might be required by the relevant Government regulations to access all floors for fire safety reason. In this respect, that Member had no objection to the application provided that an approval condition would be imposed to prohibit the shared lifts, except the firemen's lift, from stopping on the 1/F. While having no objection to the application, another Member noted that the layout of the proposed use might need to be revised as the firemen's lift had to be connected with staircase and provided with a lobby.

21. A Member said that the commercial bathhouse and massage establishment use might not be that compatible with the funeral-related uses on the ground floor of the same building and the surrounding developments. The business hour of the proposed use from 12:00 noon till 7:00 a.m. next morning might also create nuisance to the local residents.

22. Some other Members, however, considered that sympathetic consideration could be given to approving the application on a temporary basis for the following reasons :

- (a) the proposed use was in line with the Town Planning Board Guidelines No. 14B in that it was located in the non-domestic portion of a composite building with separate access. The applicant had proposed to install security alarm system at emergency exits to prevent unnecessary access from the proposed use to the other parts of the building with a view to

minimizing the potential nuisances to the local residents. An approval condition prohibiting the shared lifts, except the firemen's lift, from stopping on the 1/F could also be imposed as discussed earlier at the meeting;

- (b) a range of uses such as shop and services and eating place were always permitted on the lowest three floors or purpose-designed non-residential portion of a building under the subject "R(A)" zoning. If the application was to be rejected by the Committee, the application premises could still be used for the Column 1 uses without the need for obtaining planning permission. These other commercial/retail uses, like the proposed commercial bathhouse and massage establishment, might also attract the visits of outsiders;
- (c) the presence of funeral-related uses on the lower floors of the subject building and developments in the vicinity would unavoidably limit the scope of uses that could operate at the application premises; and
- (d) the neighbourhood of the subject building was very quiet at night time. Operation of the proposed commercial bathhouse and massage establishment might bring in activities to the area and hence not necessarily be undesirable. The operation of the proposed use would be subject to licensing control by the Commissioner of Police and the Director of Food, Environment and Hygiene.

23. After discussions, the Committee agreed that sympathetic consideration could be given to approving the application on a temporary basis for a period of three years and the approval conditions would be suitably amended to reflect the Members' views as discussed at the meeting.

24. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 28.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and provision of separate access and facilities for person with a disability at the main entrance of the application premises to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of a security alarm system at the emergency exits on the 1/F of the shared staircases, which would be triggered when the security doors were opened, to the satisfaction of the Director of Planning or of the TPB; and
- (d) no access to the proposed commercial bathhouse and massage establishment via the shared lifts, except the firemen's lift, would be allowed.

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

- (a) a temporary approval for a period of 3 years was given in order to monitor the operation of the proposed commercial bathhouse and massage establishment;
- (b) to resolve any land issues relating to the development with the concerned owner of the application site;
- (c) to appoint an Authorized Person to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular the provision of access and facilities for persons with a disability under Building (Planning) Regulation 72;
- (d) the operation of commercial bathhouse required a licence issued by the Food and Environmental Hygiene Department; and
- (e) the operation of massage establishment required a licence issued by the



- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 10 of the Paper. The application site was located at the predominant vibrant commercial/residential area in Hung Hom. The proposed hotel was considered not incompatible with the surrounding developments. The proposed building height of 71mPD did not exceed the building height restriction of 80mPD for the application site under the current Outline Zoning Plan. Besides, the proposed hotel was not expected to cause significant adverse impact on the traffic, environment and infrastructure provisions in the area.

28. In response to a Member's question on the C of Police's traffic concern, Mr. C.C. Lau said that the C of Police was mainly concerned with the possible queuing of coaches/vehicles to enter and leave the application site. The proposed ingress and egress points of the proposed hotel at Kun Yam Street and Wuhu Street respectively were considered acceptable by the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD). Mr. Anthony Loo, AC for T/U, TD, supplemented that the proposed ingress point of the proposed hotel was at Kun Yam Street, which was a side street, rather than Wuhu Street. Besides, the proposed hotel with 120 rooms was not large in scale and hence no significant adverse traffic impact was envisaged.

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

#### Deliberation Session

29. A Member asked if the proposed coach bay could accommodate large coach buses. Mr. C.C. Lau replied that the AC for T/U, TD had advised that according to the Hong Kong Planning Standards and Guidelines, one lay-by for single deck tour bus, among others, should be provided for the proposed hotel. Mr. Anthony Loo added that an approval condition requiring the submission and implementation of a parking layout to the satisfaction

of the Commissioner for Transport or of the Town Planning Board had been recommended in paragraph 11.2(a) of the Paper. While having no objection to the application, the same Member requested the TD to ensure that the loading/unloading facilities of the proposed hotel would be able to accommodate large coach buses. Mr. Anthony Loo agreed.

30. 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 28.3.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a parking layout to the satisfaction of the Commissioner for Transport or of the TPB; and
- (b) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned owner of the application site;
- (b) the approval of the application did not imply that the gross floor area exemption for back-of-house facilities included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) to consult the District Lands Officer/Kowloon West, Lands Department about the lease matter of the proposed development; and
- (d) to consult the Office of the Licensing Authority of Home Affairs Department on the licensing requirements for a hotel.

[Dr. Greg C.Y. Wong returned to join the meeting at this point.]



“OU(B)” zone”. It would not generate significant adverse impacts on developments within the subject building and the adjacent areas.

33. Members had no question on the application.

#### Deliberation Session

34. 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 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape separating the subject premises from the industrial portion of the building and fire service installations in the subject premises, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 28.9.2008; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (b) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (c) to appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the separation from the adjoining premises with walls having 2-hour fire resistance period and access for persons with a disability; and



- (c) departmental comments – the Secretary for the Environment had given policy support for the proposed development. The Project Manager/Kowloon, Civil Engineering and Development Department (PM/K, CEDD) advised that the timely completion of the proposed development was important as it was part of the infrastructure to enable the supply of electricity in late 2011 so as to facilitate the timely commissioning of the new Cruise Terminal in early 2012. The Director of Leisure and Cultural Services had no objection to the application provided that the ventilation shaft would be treated with aesthetic effect to blend in with the design of the area. Other concerned Government departments, including the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department, had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period raising objection to the application, unless otherwise proven, on the ground that the proposed development might limit harbour-front enhancement as set out in the Harbour Planning Principles; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 10 of the Paper. The proposed development was intended to serve the SEK 'D' Substation which was planned to cope with the future electricity demand in Kai Tak area and mainly the new Cruise Terminal. It involved mainly underground structure, the only above-ground structure was the proposed access/ventilation shaft which would be very small scale and carefully located at the roundabout of the planned Road D3 and covered by the planned elevated landscaped deck. With careful design and landscaping, the proposed development would unlikely cause adverse visual and landscape impacts. No significant adverse environmental, traffic, drainage, sewage and geotechnical impacts were also envisaged. As regards the objection raised by a commenter, the entire cable tunnel and subway structure would be buried underneath the harbour-front Runway

Park. As such, its impacts upon the Runway Park during the construction, operation and maintenance stages would be minimized. The accessibility to and public enjoyment at the harbour-front area would not be affected. This was in line with the Harbour Planning Principles and Guidelines.

37. Members had the following questions :

- (a) why planning permission was required for the proposed development;
- (b) given that no piling works would normally be allowed above tunnel structure, would there be any implications on the planned land uses above the proposed underground cable tunnel structure;
- (c) assuming that electricity cables would not be confined to the portion under application, would the other parts of the electricity cable network in the area require separate planning permission in future and would they be also accommodated in tunnel structure;
- (d) why cable tunnel structure could not be adopted/used by other utilities;
- (e) had consideration been given to the design/appearance of the proposed access/ventilation shaft with a view to minimizing its visual impact on the surrounding areas which had been planned as a tourism node; and
- (f) what was the distance of the proposed cable tunnel structure from the fringe of the Runway Park.

38. In response, Ms. Jessica H.F. Chu made the following main points :

- (a) the proposed development, including an access/ventilation shaft, a subway and a cable tunnel, fell within areas zoned "Open Space" and "Open Space (2)" on the relevant Outline Zoning Plan (OZP). As "Public Utility Installation" was a Column 2 use under the concerned zones, planning permission from the Town Planning Board was required;

- (b) the merit of the current proposal in adopting a cable tunnel structure to accommodate the electricity cables underneath the planned Runway Park was that the future operation and maintenance of cables as well as laying of new cables would all be conducted within the tunnel structure. No excavation for the above works would be required and hence the impact of the proposed development on the Runway Park would be minimized;
- (c) referring to Plan A-2, electricity cables would be extended from the proposed cable tunnel structure under application along the planned Road D3 and Road L14 to Kowloon Bay and the new Cruise Terminal respectively. Unlike the proposed development involving public utility structures, these public utility pipelines were always permitted under the covering Notes of the relevant OZP. The electricity cables underneath the Runway Park would be accommodated in a cable tunnel structure to minimise its impact on the park whereas standard provision of underground cables to be laid underneath roads or pedestrian street for the other parts of the electricity cable network in the area would be made;
- (d) referring to Drawing A-2, the proposed access/ventilation shaft would be designed in sloping form. This had taken into consideration that the proposed access/ventilation shaft would also serve as an emergency access and means of fire escape and the use of stairway instead of vertical ladder at its entrance was considered more desirable to allow the maintenance staff or firemen to quickly leave or reach the cable tunnel via the proposed access/ventilation shaft in case of emergency. The applicant had proposed that sensitive façade design and finishing would be adopted to ensure that the appearance of the proposed access/ventilation shaft would fully blend in with the surrounding environment. An approval condition requiring the applicant to submit and implement a landscape proposal for the proposed development had also been recommended; and
- (e) referring to Drawing A-1, the alignment of the proposed cable tunnel structure had been carefully positioned along the southern edge of the

Runway Park. To further minimize its impact on the 80m wide Runway Park, the emergency vehicular access requirement in the Runway Park would be provided on top of the proposed cable tunnel structure.

39. The Chairperson supplemented that the existing policy of accommodating electricity cables in tunnel structure had not yet been extended to other utilities.

#### Deliberation Session

40. 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 28.3.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of emergency vehicular access, water supply for fire fighting and fire service installations including fireman communication system to the satisfaction of the Director of Fire Services or of TPB.

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

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to note the comments of the Director of Leisure and Cultural Services that the shaft at the roundabout open space should be treated with aesthetic effect to blend in with the design of the greening effect;
- (c) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department about the potential

geotechnical risk and constraints associated with the proposed tunnel works;

- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should consider adopting a special design for the cable tunnel which would be structurally sound to allow tree/shrub planting on top of it;
- (e) to note the comments of the Director of Environmental Protection that any discharge from the site was subject to control under the Water Pollution Ordinance and the applicant would need to meet the discharge requirements. The applicant should also investigate whether any groundwater extracted in the course of the construction would be contaminated and devise suitable treatment/disposal method accordingly;
- (f) to note the comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department that the applicant would be required to comply with the Buildings Department PNAP 165 in assessing the impact on the sewage tunnels due to the proposed works; and
- (g) to liaise with the Director of Civil Engineering and Development Department on the timely completion of the cable tunnel.

[The Chairperson thanked Ms. Jessica H.F. Chu, STP/K, for her attendance to answer Members' enquiries. Ms. Chu left the meeting at this point.]

### **Hong Kong District**

#### **Agenda Item 6**

#### **Section 12A Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/H4/2 Application for Amendment to the Approved Central District Outline Zoning Plan No. S/H4/12 from area shown as 'Road' to "Government, Institution or Community" with 'Religious Institution' use under Column 1 of the Notes; or "Other Specified Uses" annotated "Synagogue and Open Space for Public Use" with 'Religious Institution' use under Column 2 of the Notes; or "Open Space" with 'Religious Institution' use under Column 2 of the Notes, Land between Cotton Tree Drive and Kennedy Road Peak Tram Station, Central (MPC Paper No. Y/H4/2B)
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Presentation and Question Sessions

42. The Committee noted that the applicant had requested on 7.3.2008 for deferment of the consideration of the application for two months in order to allow time for the applicant to liaise with the Landscape Unit of the Planning Department on outstanding technical issues and to conduct consultation with the Central and Western District Council which was initially scheduled for May or June 2008.

Deliberation Session

43. 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 three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that the further information should be submitted immediately following the consultation with the Central and Western District Council in May/June 2008 and in any case no later than end June 2008. Besides, the Committee had allowed time for consultation with the Central and Western District Council and preparation of the submission of the further information before

end June 2008, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) Y/H10/3 Application for Amendment to the Approved Pok Fu Lam Outline Zoning Plan No. S/H10/15 from “Residential (Group C)” or “Residential (Group C)” and “Green Belt” to “Other Specified Uses” annotated “Residential Development with Historical Building Preserved”, 128 Pok Fu Lam Road, Pok Fu Lam (MPC Paper No. Y/H10/3)
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#### Presentation and Question Sessions

44. The Committee noted that the applicant had requested on 13.3.2008 for deferment of the consideration of the application until after mid-May 2008 in order to allow time for the applicant to consider the development options for the application site in the light of the withdrawal of the declaration of Jessville as a Proposed Monument. The applicant would also be away from Hong Kong for the next few weeks.

#### Deliberation Session

45. 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 three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for the applicant’s further consideration of the development options for the site, and no further deferment would be granted unless under very special circumstances.



12A applications, the Committee had raised concerns on possible inclusion of the application site into the residential site for plot ratio calculation and the mechanism to ensure that proper landscape treatment would be implemented by the applicant to improve the existing poor condition of the application site. It was also pointed out that the applicant could submit a section 16 planning application for the proposed private garden, without resorting to applying for rezoning;

- (c) departmental comments – while having no in-principle objection to the application, the Chief Building Surveyor/Hong Kong East, Buildings Department cautioned about the possibility of transferring the plot ratio from the application site to the adjoining residential lot. Other concerned Government departments, including the Director of Environmental Protection, the Director of Agriculture, Fisheries and Conservation, the Chief Town Planner/Urban Design and Landscape, Planning Department and the Head of Geotechnical Engineering Office, Civil Engineering and Development Department, had no objection to or adverse comments on the application;
- (d) 20 public comments were received during the statutory publication period. One commenter had no objection to the application if the application site would only be used as a private garden without vehicle parking and residential use. The remaining 19 commenters objected to the application. The grounds of objection mainly included contravention of the planning intention of the “GB” zone, loss of precious “GB” area, infringement of the general public’s right to enjoy the natural environment, rejection of similar previous applications by the Committee and adverse impacts on noise, air quality, slope stability, “fung shui”, ecology and scenery of the area. There was also concern that it would be legitimate for the applicant to request the Government to grant the application site for combination with the adjoining residential lot upon approval of the application. The District Officer (Wan Chai) advised that many residents considered that the “GB” site should be reserved for public enjoyment; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper in that sympathetic consideration could be given to the application. The application site had been used as a private garden under short term tenancy (STT) since 1976. To address the Committee's concerns in rejecting the previous section 12A applications, the applicant had proposed to preserve in situ or transplant all the existing trees on site and to implement proper landscape design to improve the landscape quality of the application site. With the proposed measures, the proposed private garden would unlikely have adverse landscape and visual impacts. An approval condition requiring the applicant to submit and implement tree preservation and landscape proposals had also been recommended. The application site was inaccessible to the public and could only be accessed through IL 2132. The proposed private garden would not involve any building structure and was considered not incompatible with the surrounding environment and the "GB" zone. Regarding the concern on transfer of plot ratio, IL 2132 was zoned "R(C)1" subject to a maximum plot ratio of 5 under the Notes of the relevant Outline Zoning Plan whereas the application site, being a piece of Government land, did not form part of IL 2132. As such, inclusion of the application site into IL 2132 for plot ratio calculation would not be allowed. Regarding the commenters' other concerns, the proposed private garden would not involve clearance of the existing natural vegetation and relevant Government departments had no objection to or adverse comments on the application.

48. Members had the following questions on the application :

- (a) whether the public could gain access to the application site upon the development of the site as a private garden in future;
- (b) would the application site be granted to the applicant on a permanent rather than temporary basis upon approval of the application;
- (c) whether it was common to grant STT to the land owner of the adjoining

residential lot for private garden use; and

- (d) noting that the application site was currently held under the STT, whether the land would continue to be held under STT upon approval of the application.

49. In response to Members' question in paragraph 48(a) above, Mr. Tom C.K. Yip said that there was no access to the application site, except through the adjoining residential lot owned by the applicant. If the application site was developed into a private garden in future, it would still be inaccessible to the general public.

50. In response to Members' questions in paragraphs 48(b), (c) and (d) above, Mr. James Merritt, Assistant Director (Kowloon), Lands Department, made the following main points :

- (a) the application site was a piece of Government land currently held under STT for the private garden use. As the Government land status of the application site would not be affected by the approval of the application, the applicant would still need to renew the STT and pay the STT rental in order to continue using the application site as a private garden;
- (b) it was not uncommon to grant land to the owner of the adjoining residential lot for private garden use under STT in the New Territories, but there were fewer cases in the urban areas. All relevant considerations, including the accessibility of the concerned land, development programme for the planned long-term land uses and departmental comments, would be taken into account in granting STT. If the planned long-term use were to be implemented, the application for new STT or renewal of the existing STT would normally not be approved; and
- (c) STT rental was charged at market rate, which was generally reviewed every three years and would take into consideration that the site was restricted to private garden use.

51. In response to the Chairperson's enquiry, Mr. James Merritt said that the application site had been granted to the applicant under STT for private garden use since 1976. The applicant had not applied for land exchange or lease modification for inclusion of the application site into the adjoining residential lot. Notwithstanding, the applicant could submit application in future. Relevant Government departments, including the PlanD, would be consulted on the application, if submitted. In the event that the land exchange or lease modification was to be approved by the Lands Department (LandsD), the application site would only be restricted to private garden use and designated as a non-building area given its "GB" zoning.

#### Deliberation Session

52. Some Members had reservation on approving the application and had the following comments :

- (a) given that the applicant could still use the application site as a private garden and carry out improvement works under the STT, there was strong concern that the applicant would subsequently apply for land exchange or lease modification to include the application site into the adjoining residential lot, using the planning permission as a justification for such application;
- (b) the applicant would likely indicate in the sales brochure of the future residential development at IL 2132 that an ancillary private garden for the residents' use would be provided at the application site and hence benefit from the potential increase in the selling price of the flats. The applicant should not make use of Government land in pursuit of his own private interest. Besides, if the LandsD approved the application for inclusion of the application site into the adjoining lot, the applicant would also benefit from the potential increase in land value; and
- (c) given the application site was zoned "GB", the precedent implication of approving the current application might be very wide. An application for temporary private garden use at Razor Hill, Sai Kung had previously been

rejected by the Town Planning Board on review.

53. On the concern of setting an undesirable precedent, the Secretary said that two previous applications (No. A/SK-TLS/32 and A/H18/53) for private garden use had been rejected by the Town Planning Board on review on 1.6.2007 and by the Committee on 4.1.2008 respectively. Application No. A/SK-TLS/32 was for temporary private garden use for a period of 3 years at a site zoned “Conservation Area” (“CA”) at Razor Hill, Sai Kung to serve House No. 8 of Rise Park Villa. That site was illegally occupied for private garden use and detected by the District Lands Office in their regular patrol work. The site was easily accessible by the public given that the area immediately adjoining the site was rather flat, but it had no vehicular access. Approval of that application would set a precedent given the presence of the other houses within the same development, particularly Houses No. 5 to 7 in the same row of House No. 8. Application No. A/H18/53 was for private garden use at a site zoned “GB” at Big Wave Road, Shek O to serve a house at the adjoining residential lot. That site was accessible only from the adjoining residential lot and had been illegally occupied by various ancillary uses of the house at the adjoining residential lot e.g. a badminton court, landscaped slopes and sitting-out areas. Unlike the two previous rejected applications, the application site under the current application had been legally granted to the applicant for private garden use under STT for over 30 years.

54. Some Members were sympathetic to the current application for the following reasons :

- (a) the long history of the application site being legally used as a private garden for over 30 years under STT;
- (b) the application site was landlocked and inaccessible to the public;
- (c) the private garden use under both Applications No. A/SK-TLS/32 and A/H18/53 was to serve a single house only whereas that of the current application would serve the entire residential development to be developed at the adjoining lot and hence had a greater “public dimension” in this respect;

- (d) in considering the previous section 12A application, the Committee did mention that the case could be considered under a section 16 application;
- (e) the applicant had proposed to improve the landscape quality of the application site which would contribute to improving the overall amenity of the area;
- (f) if the LandsD approved the application for inclusion of the application site into the adjoining residential lot, the applicant would need to pay the premium arising from any potential increase in land value. Information to be provided in the sales brochure of the future residential development at IL 2132 should not be the Committee's concern; and
- (g) urban land resources was scarce and the application site might be required for uses which could realise its long-term planning intention in future. As such, approving the application on a temporary basis was considered more appropriate in order to provide the flexibility to review the land use of the application site. This would also allow the Committee to monitor if the applicant had implemented the tree preservation and landscape proposals on site.

55. Noting the Members' strong concern on the possible inclusion of the application site in the adjoining residential lot, the Chairperson asked if the LandsD would take into account the Members' concern on this issue in processing the application for lease modification or land exchange in future. Mr. James Merritt confirmed that, among others, the Members' strong concern on the possible inclusion of the application site in the adjoining residential lot and the PlanD's comments would be taken into account in any future land exchange or lease modification application for inclusion of the application site into the adjoining residential lot. The Secretary remarked that in the event that such land exchange or lease modification application was received in future, the PlanD would raise strong objection given the "GB" zoning of the site and the Members' strong concern on this issue in rejecting the two previous s.12A applications and in considering the current application.

56. A Member asked if the topographic features at and in the vicinity of the

application site which was under the same “GB” zoning would be preserved as shown in the applicant’s submission. The Chairperson replied in the affirmative as the permission, if approved, would be granted on the terms as submitted to the Town Planning Board.

57. After discussions, the Committee agreed to approving the application on a temporary basis for a period of 5 years to provide the flexibility to review the land use of the application site and to monitor the implementation of the tree preservation and landscape proposals. The Committee also requested the Secretariat to relay the Members’ strong concern on the possible inclusion of the application site in the adjoining residential lot to the LandsD.

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years up to 28.3.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no building structures were allowed on the application site; and
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that should the site proceed to a development stage, all existing slopes/retaining walls within or in the vicinity of the site which could affect or be affected by the development project should be studied/investigated to verify their stability conditions. Appropriate remedial/precautionary measures, if found necessary, should be provided as part of the development project. In addition, any proposed building works at the site should be designed and constructed so that during construction and thereafter, there was an adequate margin of safety of the works and the remainder of the site. The proposed building works should not render inadequate the margin of safety of, or cause damage to, any building, structure, land, street or services; and

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the existing water mains would be affected. A waterworks reserve within 1.5 metres from the centerline of the water main should be provided to his satisfaction. No structure should be erected over the reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the reserve were required to seek authorization from the Water Authority. If diversion was required, the developer should bear the cost of any necessary diversion works affected by the proposed development.

[The Chairperson thanked Mr. Tom C.K Yip, STP/HK, for his attendance to answer Members' enquiries. Mr. Yip left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H14/55 Forecourt/Underground Garage/Driveway/Staircase Access Structures for House Development in 'Road' and "Green Belt" zones, 28 Barker Road, the Peak  
(MPC Paper No. A/H14/55)
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60. The Secretary reported that the application was submitted by Minto Properties Ltd., which was a subsidiary of the Hutchison Whampoa Properties Ltd. under the Hutchison Whampoa Ltd. (HWL). Dr. Greg C.Y. Wong and Mr. Felix W. Fong, having current business dealings with HWL, declared interests in this item. Members noted that Mr. Felix W. Fong had tendered apology for not being able to attend the meeting.

[Dr. Greg C.Y. Wong left the meeting temporarily at this point.]

Presentation and Question Sessions

61. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the forecourt/underground garage/driveway/staircase access structures for house development;
- (c) departmental comments – concerned Government departments, including the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape, Planning Department, had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period raising slope stability concern due to the proposed development. The District Officer/Central & Western advised that the locals might have the same concern as the application site was situated on top of a slope; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. The application site, falling within the extension to a building lot, was intended for forecourt, carport and access road purposes. It was currently occupied by similar ancillary uses for the residential development in the adjoining “Residential (Group C)3” (“R(C)3”) zone as detailed in paragraph 7.1 of the Paper. As such, the application was only for redevelopment of the existing uses as part of the redevelopment of the residential building in the adjoining “R(C)3” zone. Although the proposed development would encroach on the “Green Belt” (“GB”) zone, the area concerned had already been formed. According to the applicant’s submission, no tree felling would be required and no existing trees would be affected. As regards the commenter’s concern on slope stability, the Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that full geotechnical control on slope works would be exercised under the

Buildings Ordinance.

62. Members had no question on the application.

Deliberation Session

63. A Member noted that about 22% of the application site would encroach onto the “GB” zone. Given the planning intention of the “GB” zone was to conserve the existing natural environment and Members’ strong concern on the possible inclusion of the application site into the adjoining residential lot in the consideration of an application (No. A/H7/148) for private garden use within the “GB” zone at the same meeting, that Member said that careful consideration of the current application should be exercised. In reply, Ms. Donna Y.P. Tam said that unlike Application No. A/H7/148 where the application site was a piece of Government land, the current application fell entirely within the extension area to a private lot with building status. As regards the encroachment of the application site on the “GB” zone, the boundaries of the subject “R(C)3” zone and area shown as ‘Road’ did not entirely tally with the lot boundary and the existing driveway. This was probably attributable to the small scale of the concerned Outline Zoning Plan (OZP) at 1:10,000.

64. 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 28.3.2012, 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 condition that the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the existing trees surrounding the application site should be preserved and protected as far as possible at the early design stage of construction works as advised by the Leisure and Cultural Services Department; and
- (b) the provision of emergency vehicular access should meet the current

requirements under the Code of Practice for Means of Access for Fire Fighting and Rescue which was administrated by the Buildings Department.

[The Chairperson thanked Ms. Donna Y.P. Tam, STP/HK, for her attendance to answer Members' enquiries. Ms. Tam left the meeting at this point.]

[Dr. Greg C.Y. Wong and Professor Bernard V.W.F. Lim returned to join the meeting at this point.]

### **Tsuen Wan and West Kowloon District**

[Mr. P.C. Mok, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

#### **Agenda Item 8**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/654            Proposed Shop and Services  
                         in "Other Specified Uses" annotated "Business" zone,  
                         Unit 1, G/F, Elite Industrial Centre,  
                         883 Cheung Sha Wan Road  
                         (MPC Paper No. A/K5/654)

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##### **Presentation and Question Sessions**

66.            Mr. P.C. Mok, 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 with a usable floor area of about 425.67m<sup>2</sup>;

- (c) departmental comments – concerned Government departments, including the Director of Fire Services (D of FS), had no objection to or adverse comments on the application. The D of FS advised that the subject industrial building was subject to a maximum permissible limit of 460m<sup>2</sup> for the aggregate commercial floor area on the ground floor and the above limit was applicable to the proposed use under application;
- (d) during the statutory publication period, one public comment from the owner of Unit 4, G/F of the subject building was received raising objection to the application mainly on the ground that the proposed use would nearly use up the aggregate commercial floor area limit of 460m<sup>2</sup> for the subject building. If the application was to be approved by the Committee and the applicant could not rent out the whole premises for commercial use, the approved commercial floor area would be frozen and wasted; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper, mainly in that the applied use was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and complied with the Town Planning Board Guidelines No. 22D for “Development within “OU(B)” zone”. Besides, the applied use was not incompatible with the uses of the subject industrial building and would unlikely generate adverse traffic and environmental impacts on the surrounding areas. Previous application (No. A/K5/562) for temporary wholesale trade (wholesale center) for a period of 5 years had been approved by the Committee on 14.5.2004 and there was no material change in the planning circumstances since then. In addressing the commenter's concerns, a shorter time limit of two years for commencement of development would be imposed by the Committee for applications involving commercial uses on the ground floor of an industrial/industrial-office building which was subject to the commercial floor area limit. This would forestall the applicants from holding permissions without implementation. Moreover, the applicants would be

required to comply with fire safety-related approval condition within six months or before operation of use for existing and proposed commercial uses respectively. Non-compliance with the fire safety-related approval condition would lead to revocation of the planning permission.

67. Members had no question on the application.

#### Deliberation Session

68. 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 28.3.2010, 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) provision of fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

69. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Kowloon West, Lands Department for the temporary wavier to permit the applied use.

[The Chairperson thanked Mr. P.C. Mok, STP/TWK, for his attendance to answer Members' enquiries. Mr. Mok left the meeting at this point.]

[Mr. Raymond Y.M. Chan and Dr. Daniel B.M. To left the meeting at this point.]

**Agenda Item 9**

[Close Meeting]

70. The minutes of this item were recorded under separate confidential cover.

**Agenda Item 10**

Any Other Business

71. The Chairperson said that the Chief Executive had appointed 6 officials and 31 non-officials to the Town Planning Board (the Board) for a two-year term from 1.4.2008 and the Board's new membership was gazetted today. Dr. Greg C.Y. Wong had been appointed as the Vice-chairman. Mr. Stanley Y.F. Wong and Mr. Alfred Donald Yap were appointed as the Vice-chairman of the Metro Planning Committee and the Rural and New Town Planning Committee respectively. Out of the 31 non-official members, six were newly appointed, including Professor Edwin H.W. Chan, Mr. Rock C.N. Chen, Dr. Ellen Y.Y. Lau, Mr. Maurice W.M. Lee, Mr. Timothy K.W. Ma and Dr. Winnie S.M. Tang. As this was the last MPC meeting of the current term, the Chairperson took the opportunity to thank Members for their dedication and support to the work for the Board over the past two years.

72. There being no other business, the meeting was closed at 1:40 a.m..