

TOWN PLANNING BOARD

**Minutes of 446th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 22.7.2011**

Present

Director of Planning
Miss Ophelia Y.S. Wong

Chairperson

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Professor P.P. Ho

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Chief Traffic Engineer/Hong Kong,
Transport Department
Ms. F.F. Ying

Assistant Director(2), Home Affairs Department
Mr. Andrew Tsang

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr. Ken Y.K. Wong

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

Deputy Director of Planning/District
Ms. Phyllis C.M. Li

Secretary

Absent with Apologies

Dr. Winnie S.M. Tang

Professor S.C. Wong

Ms. L.P. Yau

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 445th MPC Meeting held on 8.7.2011

[Open Meeting]

1. The draft minutes of the 445th MPC meeting held on 8.7.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

Tsuen Wan and West Kowloon District

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

Agenda Item 3

[Open Meeting]

Proposed Amendments to the
Draft Mong Kok Outline Zoning Plan No. S/K3/28
(MPC Paper No. 10/11)

3. The Secretary said that the ex-Mong Kok Market site was a potential land sale site, which was one of the subjects of amendments to the Outline Zoning Plan (OZP). Ms. Olga Lam had declared an interest in this item as she was the Assistant Director (Kowloon), Lands Department. As the item was for the consideration of proposed amendments to an OZP and related to the plan-making process, Members agreed that Ms. Lam could be allowed

to stay in the meeting.

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

Presentation and Question Sessions

4. Mr. C.K. Soh, STP/TWK, said that replacement pages (page 7 and 8) of the Attachment III of the Paper were tabled at the meeting for Members' information. With the aid of a powerpoint presentation, Mr. Soh presented the proposed amendments and covered the following aspects as detailed in the Paper :

Background

Rezoning of "Other Specified Uses" annotated "Business" ("OU(Business)") Sites Bounded by Ivy Street, Elm Street and Anchor Street

- (a) on 17.9.2010, the Town Planning Board (the Board) considered the Area Assessments 2009 of Industrial Land in the Territory and endorsed the recommendations as a basis of rezoning industrial land to other uses. One of the recommendations was to rezone part of an "Other Specified Uses" annotated "Business" ("OU(Business)") zone at Elm Street to "Residential (Group E)" ("R(E)"). The area proposed for rezoning fell within the eastern portion of the "OU(Business)" zone with a total area of about 2,280m². It was presently occupied by four existing industrial buildings, including On Yip Industrial Building, Ngai Sheung Factory Building, Style Factory Building and Wang Yip Industrial Building, mostly over 40 years old. They were under multiple ownership of not more than 13 owners except for Wang Yip Industrial Building which was owned by 84 owners;
- (b) the "OU(Business)" zone bounded by Elm Street, Ivy Street, Tai Kok Tsui Road and Anchor Street was rezoned from "Industrial" to "OU(Business)" in 2001 upon the recommendation of the Area Assessments of Industrial Land in 2000 endorsed by the Board on 20.10.2000. It had not been rezoned to "R(E)" in view of the potential traffic noise impact from the

elevated West Kowloon Corridor;

- (c) the western portion of the “OU(Business)” zone had been developed/committed for hotel development, including the existing 27-storey Cosmo Kowloon Hotel completed in 2010 and a committed 28-storey hotel under construction (approved by the Board under Application No. A/K3/506 on 6.6.2008 with building plans approved on 25.11.2008). To the south was an existing petrol filling station. As these existing/committed developments could serve as environmental buffer between the West Kowloon Corridor/Tai Kok Tsui Road and the remaining portion of the “OU(Business)” zone, and the sites on the eastern side of Elm Street had already been rezoned to “R(E)”, it was proposed to rezone the eastern portion of the “OU(Business)” site to “R(E)” as well to allow for residential development. It was anticipated that the traffic noise impact on the proposed rezoning site could further be addressed through the planning application mechanism under the “R(E)” zone;

Rezoning of Ex-Mong Kok Market Site at the Junction of Canton Road and Argyle Street

- (d) the ex-Mong Kok Market site was located at the junction of Canton Road and Argyle Street with an area of about 1,240m². It was currently zoned “Government, Institution or Community” (“G/IC”) on the draft Mong Kok OZP No. S/K3/28. The 2-storey Mong Kok Market ceased operation in early 2010 and was now vacant;
- (e) the Chief Executive announced in the 2008-2009 Policy Address a new primary care delivery model through establishing Community Health Centres (CHCs). Taking into account the policy directive, the Secretary for Food and Health proposed to establish a CHC at the conveniently located ex-Mong Kok Market site to serve the community. The CHC was planned to provide the public with more comprehensive, multi-disciplinary, better co-ordinated and more person-centred primary care services, through collaboration between the public sector, the private sector and non-government organizations involved in providing healthcare to the

community. Services might include primary medical/dental care, maternal and child health services, Chinese medicine and other multi-disciplinary healthcare support to the community. The CHC would be accommodated in the lower floors of the building including ground floor, and the floor space requirement would be in the order of 4,500m²;

- (f) the site utilization of the CHC at a plot ratio (PR) of about 3.63 (4,500m²/1,240m²) was considered on the low side, thus having scope to accommodate other uses in the development. The District Officer/Yau Tsim Mong (DO/YTM) indicated that there were local views considering that the site should be used primarily for the benefits of the local neighbourhood due to scarce land resource for government/community facilities in the district. However, departmental consultation indicated that there was no requirement for GIC facilities at the site. The Director of Environmental Protection considered that the site would be subject to traffic noise impact from the adjoining roads and the small site area of the site would render difficulties in incorporating practicable noise mitigating designs in any future development. As such, non-noise sensitive uses or noise tolerant uses on the site would be more appropriate. Given the proximity of the site to Nathan Road, which was a major commercial and transport axis in Kowloon Peninsula, commercial uses which were non-noise sensitive were also considered suitable uses for the site;
- (g) as no other GIC facilities were required to be accommodated at the site, it was proposed to rezone the ex-Mong Kok Market site to “Commercial(3)” (“C(3)”) to facilitate a joint-user development mainly for commercial uses with not less than 4,500m² gross floor area (GFA) earmarked for the proposed CHC use. Specific service provisions and requirements of the CHC would be specified in the Explanatory Statement (ES) to better illustrate the joint-user development proposal;
- (h) development restrictions of a maximum PR of 9 and a maximum building height of 100mPD were suggested for the site. It was considered that the development restrictions were compatible with those of the surrounding areas and tallied with those for the adjacent “Residential (Group A)”

(“R(A)”) zones;

Proposed Amendments to the OZP

- (i) as mentioned above, there were two rezoning amendments to the OZP:
 - (i) rezoning of a site bounded by Ivy Street, Elm Street and Anchor Street from “OU(Business)” to “R(E)” with a maximum building height of 80mPD. Similar to other “R(E)” zones, a maximum building height restriction of 100mPD would be permitted for sites with an area of 400m² or more to facilitate amalgamation of sites larger developments to permit better supporting facilities;
 - (ii) rezoning of a site bounded by Canton Road, Argyle Street, Shamchun Street and Nam Tau Street from “G/IC” to “C(3)” with a maximum building height of 100mPD and a maximum PR of 9. A community health centre of not less than 4,500m² GFA shall be provided;

Proposed Amendments to the Notes of the OZP and the Explanatory Statement

- (j) to revise the Remarks in the Notes for the relevant “C” zone and to incorporate a new “C(3)” sub-zone with restrictions on maximum PR and building height and requirement for provision of CHC into the Remarks of the Notes for the “C” zone;
- (k) to stipulate in the Remarks of the Notes for “C” zone that on land designated “C(1)”, a total of not less than 480 public car/lorry parking spaces should be provided, out of which not less than 120 parking spaces shall be for lorry parking purposes. A minor relaxation clause was proposed to be incorporated into the Notes so that application for minor relaxation of the provision of car/lorry parking spaces could be considered by the Board under section 16 of the Town Planning Ordinance (the Ordinance); and

- (l) the Explanatory Statement (ES) had been revised to take into account the proposed amendments in particular the requirement of the CHC under the new “C(3)” sub-zone. Opportunity had also been taken to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP;

Departmental Consultation and Public Consultation

- (m) relevant government bureaux/departments had no objection to or adverse comments on the proposed amendments. The proposed amendments had taken into account the comments of relevant bureaux/departments, where appropriate; and
- (n) upon agreement of the Committee, the proposed amendments to the OZP would be published under section 7 of the Ordinance for public inspection. The Yau Tsim Mong District Council would be consulted on the amendments including the proposed CHC during the exhibition period of the draft Mong Kok OZP No. S/K3/28A (to be renumbered to S/K3/29 upon exhibition) under section 7 of the Ordinance.

5. A Member noted that the area where the ex-Mong Kok Market site was located mainly consisted of residential developments and enquired about the rationale for the proposed commercial zoning of the site. In response, Mr. C.K. Soh, STP/TWK, said that the Mong Kok area was characterized by high-density residential and commercial developments. The proposed commercial use of the site was considered compatible with the developments in the surrounding area, which were mainly residential blocks of 6-7 storeys with retail shops on the ground floors. Moreover, to the east of the ex-Mong Kok Market site was the Langham Place, a high-rise commercial node of the area. Hence, it was considered suitable to rezone the ex-Mong Kok Market site from “G/IC” to “C(3)”.

6. The Chairperson added that the ex-Mong Kok Market site was also in close proximity to Nathan Road where commercial developments were located on both sides of the road.

7. Ms. F.F. Ying of the Transport Department suggested and Members agreed to amend the second last sentence in paragraph 8.1.6 of the ES (Attachment III of the Paper) to read as ‘Loading/unloading and car parking facilities shall also be provided for the CHC’.

Deliberation Session

8. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Mong Kok OZP No. S/K3/28 mentioned in paragraphs 4 and 5 of the Paper and that the draft Mong Kok OZP No. S/K3/28A at Attachment I of the Paper (to be renumbered to S/K3/29 upon gazetting) and its Notes at Attachment II of the Paper were suitable for exhibition for public inspection under section 7 of the Ordinance; and
- (b) adopt the revised ES at Attachment III of the Paper as an expression of the planning intention and objectives of the Board for the various land use zones of the OZP, and was suitable for exhibition together with the OZP and its Notes.

[The Chairperson thanked Mr. C.K. Soh, STP/TWK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

[Mr. Philip Y.L. Chum, STP/TWK, was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K16/37 Proposed Eating Place, Office, Shop and Services
in “Comprehensive Development Area” zone,
7/F, 8/F and 9/F, Kowloon Motor Bus Headquarters Building,
9 Po Lun Street, Lai Chi Kok
(MPC Paper No. A/K16/37)

9. Mr. Roger K.H. Luk had declared an interest in this item as he was a Member of the Board of Directors of Octopus Card Ltd. of which Kowloon Motor Bus (1933) Company Limited (KMB) was a minor shareholder. The Committee considered that the interest of Mr. Luk was indirect and Mr. Luk could stay in the meeting.

Presentation and Question Sessions

10. Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed ‘eating place’, ‘office’ and ‘shop and services’ uses at the application premises on the 7/F, 8/F and 9/F of the Kowloon Motor Bus Headquarters building (the Headquarters building). The Headquarters building was located at the northern end of the “Comprehensive Development Area” (“CDA”) zone, the remaining portion of which had been developed for a comprehensive residential and commercial development known as the “Manhattan Hill”;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication periods of the application and further information, three public comments were received. One commenter strongly recommended that considering the wall effect created by the Manhattan Hill, the building height restriction for the application site should be retained and the visual corridor and breezeway should be safeguarded for the district. Two private individuals supported the application for provision of more restaurants and retail shops on upper floors to offer more choices of consumption for the workers and residents nearby; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 12 of the Paper. The proposed 'eating place', 'office', 'shop and services' uses on 7/F to 9/F of the Headquarters building were in line with the planning intention for the "CDA" zone, which was mainly for residential and commercial uses. The proposed uses were considered not incompatible with the "CDA" zone, which had been comprehensively developed for residential and commercial uses. The proposed conversion did not involve any change in the approved total domestic and non-domestic gross floor area (GFA) of the comprehensive residential and commercial development. It would unlikely generate adverse traffic and environmental impacts on the surrounding areas. In this connection, the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland South, Drainage Services Department and Director of Food and Environmental Hygiene had no objection to or adverse comments on the proposed uses. Three previous applications for conversion of G/F and 5/F of the Headquarters building to 'shop and services' and 'office' uses under Application No. A/K16/30; 'eating place' on G/F and 5/F under Application No. A/K16/33; and 'eating place', 'office' and 'shop and services' uses on G/F and 5/F under Application No. A/K16/36 were approved with conditions by the Committee on 4.1.2008, 19.6.2009 and 13.8.2010 respectively. There had been no change in planning circumstance for the Headquarters building since the approval of the three previous applications. The two supporting comments were noted. Regarding the comment about the building height, visual corridor and breezeway, the application only involved internal conversion of 7/F to 9/F of the Headquarters building. There would be no change in the approved total domestic and non-domestic GFA as well as the building bulk/disposition of the comprehensive residential and commercial development.

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

11. A Member noted that several floors of the Headquarters building including G/F, 5/F, 7/F, 8/F and 9/F had been/would be converted into 'eating place', 'office' or 'shop and services' uses. This Member enquired about the current use of 6/F of the subject building and

if there was any proposal from the applicant to convert the 6/F into similar uses. In response, Mr. Philip Y.L. Chum, STP/TWK, said that 6/F was used by KMB as its office, and there was no proposal from the applicant to convert the office use into other uses.

12. A Member said that as mentioned in the applicant's submission, it was the applicant's intention to convert the usage of the subject premises from sole office use to multi-dimensional purposes to meet the growing retail demand after population intake of the Manhattan Hill. Such conversion, however, might affect the functions of the KMB Headquarters building and hence its operation. In response, Mr. Chum said that C for T, who was the authority to oversee the operations of the KMB, had been consulted on the application and had no objection to the application from traffic engineering and transport operations perspectives.

13. Mr. Chum added that the proposed 'eating place', 'office' and 'shop and services' use at the premises of 7/F to 9/F of the Headquarters building was in line with the planning intention for the subject "CDA" zone, which was for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The proposed conversion of office use into commercial/retail uses could meet the retail demand for the Manhattan Hill and Mei Foo San Chuen, which was to the immediate west of the subject site.

14. The Chairperson said that the subject "CDA" site covered the then Lai Chi Kok Bus Depot and the Headquarters building. Since May 2002, the bus depot had been redeveloped into a comprehensive commercial/residential development known as the "Manhattan Hill", while the Headquarters building was retained as its offices. Various floors of the subject building had been converted as 'eating place', 'office' or 'shop and services' in the past few years. The proposed uses would meet the growing retail demand for the Manhattan Hill and Mei Foo San Chuen. Hence, PlanD had no objection to the proposed conversion of office use to commercial/retail use provided that the proposed conversion would not induce adverse traffic impacts on the surrounding road network.

15. A Member noted that since 2008, there were already four applications submitted to the Board for converting office uses at various floors of the Headquarters building. This Member opined that instead of considering the proposed conversion of uses at various floors

on a piecemeal basis, TD should liaise with KMB regarding the need to maintain the Headquarters building for KMB's operational requirement.

16. Ms. F.F. Ying of TD said that KMB faced challenges in their operation due to the rapid expansion of rail network in the past few years. The reduction of office space demand from KMB was understandable. Notwithstanding, TD had been conducting regular review on the performance of the bus operator, to ensure that the continuous provision of proper and efficient bus services for the travelling public had always been maintained.

17. A Member noted that as the lease covering the Headquarters building was unrestricted, there would be no control over the conversion of uses in the Headquarters building under the lease. However, if the applicant applied to use Government land (on a short term tenancy (STT) basis) to accommodate the headquarters office functions while the Headquarters building was converted to other uses, the Government should decide whether the STT should be granted taking into account the background of the conversion of office use to other uses in the Headquarters building.

[Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

Deliberation Session

18. The Chairperson concluded that Members had no objection to the proposed 'eating place', 'office' and 'shop and services' uses as the proposed uses were in line with the planning intention of "CDA" zone; there had been similar applications for 'eating place', 'office' and 'shop and services' use previously approved with conditions by the Committee; and it was unlikely that the proposed uses would induce adverse traffic impact on the surrounding road network. The Chairperson also pointed out that the lease and land matters pertaining to the Headquarters building fell outside the purview of the Board. Members agreed.

19. After further 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 22.7.2015, 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 revised Master Layout Plan (MLP) and development schedule incorporating the proposed eating place, office, shop and services uses on 7/F, 8/F and 9/F of the Kowloon Motor Bus Headquarters building to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised Sewerage Impact Assessment (SIA) report and implementation of the local sewerage upgrading/sewerage connection works identified in the revised SIA report to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note that the approved MLP together with the set of approval conditions would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the applicant should submit building plans to demonstrate that the proposed change in use was complying with the provisions of the Buildings Ordinance, in particular, the provision of adequate means of escape in accordance with Building (Planning) Regulation 41(1) and Code of Practice for the Provision of Means of Escape in Case of Fire 1996 and the provision of adequate fire resisting separation between the application premises and the remaining portion of the building in accordance with Building (Construction) Regulation 90 and paragraph 8.1 of Code of Practice for Fire Resisting Construction 1996; and

- (c) to note the comments of the Director of Food and Environmental Hygiene that the applicant should obtain appropriate licence/permit from his department prior to the commencement of food business or other trade of business that operate under the relevant legislation enforceable by his department.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/706 Shop and Services
in “Other Specified Uses” annotated “Business(1)” zone,
G/F (Portion), Long To Building, 654-656 Castle Peak Road, Kowloon
(MPC Paper No. A/K5/706)

Presentation and Question Sessions

21. Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the ‘shop and services’ use with a total floor area of 48.5m² at the portion of the ground floor of an existing industrial building;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed for greater flexibility in

the use of the existing industrial or industrial-office (I-O) buildings provided that the use would not result in adverse fire safety and environmental impacts. It was considered generally in line with the planning intention of the “OU(Business)” zone. The ‘shop and services’ use under application was not incompatible with the other uses of the subject industrial building mainly comprising offices ancillary to industrial/trading firms on the upper floors. The applied use also complied with the Town Planning Board Guidelines No. 22D for Development within “OU(Business)” zone in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Relevant government departments had no objection to or adverse comments on the application. According to the Director of Fire Services, the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor which was fully protected by sprinkler. Should the Committee approve the application, the total commercial floor area on the ground floor of the subject industrial building would amount to 48.5m², which was within the maximum permissible limit of 460m².

22. Members had no question on the application.

Deliberation Session

23. 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 completely separated from the industrial portion and fire service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2012; 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.

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

- (a) to remind the applicant that valid planning permission from the TPB should have been obtained for the applied use at the application premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of a temporary waiver;
- (c) to note the comments of the Director of Fire Service that the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department should be complied with;
- (d) to note the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures of Commercial Uses in Industrial Premises' issued by the TPB; and
- (e) to appoint an Authorised Person to submit building plans for the proposed change in use/conversion works to demonstrate compliance with the Buildings Ordinance, in particular as per the comments of the Chief Building Surveyor/Kowloon, Buildings Department :
 - (i) the provision of 2-hour fire resisting separation walls between the application premises and the remaining portion of the building in accordance with Building (Construction) Regulation 90 and paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996;
 - (ii) the provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and

- (iii) provision of sanitary fitments under Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.

[The Chairperson thanked Mr. Philip Y.L. Chum, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. Y.S. Lee, STP/TWK, was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/361 Proposed Shop and Services in "Industrial" zone,
16-18 Yip Shing Street, Kwai Chung
(MPC Paper No. A/KC/361B)

Presentation and Question Sessions

25. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed wholesale conversion of an existing 5-storey industrial building for 'shop and services' use at the application site;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication periods of the application and further information, three public comments were received. All of them raised objection to a proposed columbarium development under Application No. Y/KC/1 at an adjoining building at No. 14-15, Yip Shing Street, which was not related to the applied use under the current application. Another

comment had been subsequently withdrawn by the commenter; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not incompatible with the surrounding industrial uses which were intermixed with business and office developments. The proposed wholesale conversion would refurbish the façade and exterior of the building and thus improve the visual amenity of the area. In this connection, the Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application. There had been calls for realising the potential of old industrial buildings and the Government had proposed policy measures to encourage the redevelopment or conversion of industrial buildings by owners. The proposed development was considered to be in line with these Government policy measures in that the existing industrial building was within the “Industrial” zone and was 45 years old, the applicant was the sole owner of the subject building and there was no increase in building height and building bulk. In this regard, the Director of General of Trade and Industry had no objection to the application. The proposed development would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. Concerned government departments had no objection to or adverse comments on the application.

26. Members had no question on the application.

Deliberation Session

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 22.7.2015, 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 design and provision of vehicular access, car park and

loading/unloading layout to the satisfaction of the Commissioner for Transport or of the TPB; and

- (b) the provision of fire service installations and water supply for firefighting 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) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department that the applicant should refer to the Lands Department Practice Note Issue No. 1/2010 in respect of the application for special waiver for conversion of an entire existing industrial building. Should the application be approved, the applicant should apply for a special waiver which, if approved, would be subject to payment of administrative fee, waiver fee, deposit and other conditions as considered necessary;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that an Authorized Person should be appointed to submit building plans for the proposed change in use/alteration works to demonstrate full compliance with the provisions of Buildings Ordinance;
- (d) to note the comments of the Director of Fire Services that the applicant should be reminded that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Escape

for Firefighting and Rescue which was administered by the BD; and

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant was advised to consider vertical greening such as adding new hanging planters at parapet walls or appropriate vertical greening systems on the external walls to improve greening and amenity of the existing building.

[The Chairperson thanked Mr. Y.S. Lee, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. K.T. Ng, STP/TWK, was invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/410 Proposed Shop and Services in "Industrial" zone,
Hale Weal Industrial Building, 22-28 Tai Chung Road, Tsuen Wan
(TWTL 332)
(MPC Paper No. A/TW/410D)

29. The Secretary reported that the application was for wholesale conversion of an existing 17-storey industrial building at the application site for 'shop and services' use. After the issuance of the subject Metro Planning Committee (MPC) Paper, the applicant's representative submitted a letter on 21.7.2011 requesting the Committee to defer consideration of the application for two months in order to allow sufficient time for the applicant to address the comments raised by the Transport Department (TD). The letter was tabled at the meeting for Members' consideration.

30. The Secretary pointed out that the application was first received on 5.3.2010. The consideration of the application was subsequently deferred four times. All the deferral requests were submitted by the applicant and agreed by the Committee on 23.4.2010, 13.8.2010, 10.12.2010 and 1.4.2011 respectively. Hence, the current deferral request would be the fifth request for deferment since the submission of the application on 5.3.2010.

31. The Chairperson said that in accordance with the Town Planning Board Guidelines No. 33 on 'Deferment of Decision on Representations, Comments, Further Representations and Applications Made under the Town Planning Ordinance' (TPB PG-No. 33), the Committee would normally allow the application to be deferred once and no further deferment would be granted except under very special circumstances. As the deferral request was made after the issuance of the MPC Paper for the subject application, Members were invited to consider whether to accede to the applicant's request for deferment or to proceed with the consideration of the application at the meeting.

32. Upon the Chairperson's request, Mr. K.T. Ng, STP/TWK, briefed Members on the background of the application. He said that the application was first received on 5.3.2010. The applicant sought planning permission for wholesale conversion of an existing 17-storey industrial building for 'shop and services' use. The consideration of the application was subsequently deferred four times. The reasons for all the deferral requests were to allow time for the applicant to resolve issues raised by the Transport Department (TD), particularly the provision of car parking spaces and loading and unloading facilities for the proposed 'shop and services' use. According to the Commissioner for Transport (C for T), 43 car parking spaces should be provided for the proposed 'shop and services' use at the subject building, which was in accordance with the requirements under the Hong Kong Planning Standards and Guidelines (HKPSG). However, the applicant proposed only 10 car parking spaces on the ground floor, which was far from the requirements of the HKPSG. In addition, C for T pointed out that some of the proposed car parking spaces were inaccessible. The actual number of parking spaces that could be used conveniently was fewer than that proposed by the applicant. In this regard, the applicant requested for deferment of consideration of the application in order to address TD's concerns.

33. In response to a Member's question, Mr. Ng said that TD's main concern on the application was that the proposed car parking layout was not acceptable and there was insufficient provision of parking spaces for the proposed development. Although the applicant had submitted revised proposed car parking layouts and proposed double-deck parking scheme to release adequate spaces for loading/unloading facilities, the proposed car parking provision was still far from the required provision under the HKPSG and was considered unacceptable by TD.

34. A Member enquired whether the applicant had proposed to make use of the entire ground floor of the subject building for car parking and loading/unloading facilities. In response, Mr. Ng referred to Drawing A-1 of the Paper and said that the applicant had proposed to use the whole ground floor of the building for car parking and loading/unloading facilities. However, the proposed provision of car parking and loading/unloading facilities on this floor was far from the requirements under the HKPSG. Besides, the applicant had not attempted to provide additional car parking and loading/unloading facilities on the upper floor(s) in order to meet the requirements.

35. A Member said that according to HKPSG, 43 car parking spaces were required for the proposed development. The traffic impact assessment (TIA) of the proposed development, however, assumed that only 10 car parking spaces were provided. Hence, the TIA, which was based on an insufficient provision of car parking facilities, was considered unacceptable.

36. Ms. F.F. Ying of TD said that the applicant proposed to provide 10 parking spaces. However, 43 car parking spaces should be provided in accordance with the HKPSG. The provision was only about 23% of the required provision, which was far from adequate. Regarding the car parking layout, Ms. Ying referred to Drawing A-1 of the Paper and said that a number of the proposed car parking and loading/unloading spaces were inaccessible. For instance, car park (No. P4) would not be accessible once the loading/unloading bay (No. H2) was occupied. Hence, TD considered that the actual number of parking and loading/unloading spaces that could be used was fewer than that shown on the layout submitted by the applicant. In addition, the applicant argued that a total of 1,231 private car parking spaces were provided in the industrial buildings in the vicinity of the site, and all these car parking spaces could be accessed by the public. However, TD considered that the applicant had not proved that such spaces in the vicinity would be available for use by visitors of the applicant building.

37. Ms. Ying continued to point out that under the new policy measure for redevelopment of non-industrial zones, TD was also prepared to accept a lower standard provision of car parking spaces within the industrial building, provided that by doing so it would not create serious traffic problems such as illegal parking near the site or obstruction to traffic caused by on-street loading/unloading activities. In assessing the subject application,

TD took into account the utilization rate of the adjacent existing temporary open-air car park; illegal parking problem in the vicinity; and the impracticability of applicant's suggestion in providing parking vouchers to use the Discovery Park Carpark. The lack of car parking spaces at the application site would mean more illegal parking on streets after the conversion of the building. Hence, TD could not accept a much lower than standard provision of car parking spaces for the subject application.

38. In response to a Member's question, the Chairperson said that in the letter advising the applicant about the Committee's previous decision on the fourth deferral request, it had pointed out to the applicant that no further deferment would be granted to the applicant unless very special circumstances.

39. A Member said that the issues in relation to unacceptable car parking layout and insufficiency of parking spaces for the proposed development had not been resolved by the applicant over the past year, and it was unlikely that the issues could be resolved within two months. This Member opined that instead of allowing another 2-month deferral, the Committee should proceed with the consideration of the application so that Members' views and concerns on the proposed development could be conveyed to the applicant and its consultants. The above views were shared by other Members.

40. After further deliberation, the Committee decided not to accede to the applicant's request for deferment for consideration of the application as there was no strong justification in the applicant's submission to warrant a further deferment. The Chairperson suggested and Members agreed to proceed with the consideration of the application.

Presentation and Question Sessions

41. Mr. K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed whole conversion of an existing 17-storey industrial building at the application site for 'shop and services' use;

- (c) departmental comments – the Commissioner for Transport did not support the application. C for T’s comments detailed in paragraph 9.1.4 of the Paper were summarized below:
- (i) as stated in the TIA report, the applicant was trying to provide 10 parking spaces (including one for the disabled). For the proposed use of the building, some 43 car parking spaces should be provided in accordance with the HKPSG. The applicant, however, was proposing to provide 10 car parking spaces, which was only 23% of the required provision;
 - (ii) among the 10 car parking spaces proposed by the applicant, some car parking spaces such as Carpark No. P2, were inaccessible. Hence, the actual number of parking spaces that could be used conveniently was fewer than that shown on Drawing A-1 of the Paper;
 - (iii) C for T considered that it was insufficient for the applicant to simply state that “all the suggested car parking spaces in the vicinity could be assessed by public”. As the recent application of the Discovery Park Carpark revealed that the surplus parking spaces might not necessarily be available for parking by general public. The applicant’s survey result did not show the utilization of car parking spaces in different times of the week in other buildings;
 - (iv) as provided in the Note on “Provision of Car parking Spaces and Loading/Unloading Facilities in Wholly Converted Industrial Buildings” promulgated by the Development Bureau, TD was prepared to accept a lower than standard provision of carparking spaces provided that: i) the subject building was located within 500m of public transport services; ii) the subject site was not located in an area where there was significant illegal parking problem; and iii) there were surplus parking spaces near the subject site. In view of the public transport services on Castle Peak Road and the

Discovery Park bus terminus, the application site met the requirement of the criterion that the subject building was located within 500m of public transport services. However, with regard to the availability of surplus car parking spaces near the site, C for T commented that the adjacent existing temporary open-air carparking neighbouring the site was saturated. Also, a number of vehicles were parked illegally on the streets in the vicinity. The applicant failed to demonstrate that the inadequacy of parking provision in the building would not aggravate the illegal parking problem in the vicinity. While illegal parking was already serious in the vicinity of the site (notably Pak Tin Par Street and Heung Che Street), the lack of car parking spaces at the site would mean more illegal parking on streets after the conversion of the building. The future termination and development of the temporary open-air car park neighbouring the site would further aggravate the problem. Although the site was within 500m of public transport services, this factor alone did not warrant a significantly lower than standard provision of car parking spaces;

- (v) in response to the applicant's proposal of providing parking vouchers to the visitors, C for T commented that the applicant should show how they could ensure that the issue of parking vouchers for parking at the Discovery Park Carpark would entice their customers to use a carpark at some distance away. The applicant should also show how they could guarantee the availability of parking spaces in the Discovery Park Carpark for their owners;
- (d) during the statutory publication periods of the application and further information, nine public comments were received. Among the nine comments received, three comments were of no view/ supported the application. The comments objecting to the application, detailed in paragraph 10.1 of the Paper, were summarized below:
 - (i) the commenter had just moved in the subject industrial building and

expected to stay there for a longer period;

- (ii) there would be very little potential shoppers for the area and there might be conflict between shoppers and heavy traffic of the subject industrial area, especially at the junction of Tai Chung Road and Pak Tin Par Street;
 - (iii) there were already enough shopping centres in Tsuen Wan and the traffic in the subject industrial area might pose danger to the shoppers, commuters and residents nearby;
 - (iv) the proposed conversion of the subject industrial building would cause pollution and waste of resources;
 - (v) the proposed conversion of the subject industrial building to 'shop and services' use would affect their business; and
 - (vi) the traffic condition of the surrounding area was already bad and it was not suitable to attract more people to the subject area;
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper, which were summarized below:
- (i) the planning intention of the "Industrial" ("I") zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the "I" zone might be permitted on application to the Board based on individual merits and the planning assessment criteria set out in the Town Planning Board Guidelines No. 25D on 'Use/Development within "I" zone';
 - (ii) the proposed 'shop and services' use at the subject industrial

building were considered not incompatible with the industrial developments to the west and the residential neighbourhood of Tso Kung Square and Fuk Loi Estate. The proposed wholesale conversion of the existing industrial building would not result in any increase in building height, building bulk or gross floor area and would also alleviate the interface problems between the industrial and residential uses nearby. Concerned Government departments except C for T had no objection to or adverse comments on the application;

- (iii) notwithstanding that the applied use was not incompatible with the surrounding neighbourhood and was in line with the Industrial Buildings Revitalisation Policy promulgated by the Development Bureau, assessment of technical feasibility was required to demonstrate that the proposed scheme would not induce any adverse traffic impacts on the surrounding areas. In this connection, C for T could not give support to the application as the proposed car parking layout was technically unacceptable. According to C for T, the actual number of parking spaces that could be used conveniently was fewer than that shown on the ground floor layout plan (Drawing A-1 of Paper). Besides, the provision of 10 car parking spaces, which was much lower than the HKPSG requirements, was unacceptable. C for T also remarked that the lack of car parking spaces in the proposed development would lead to more illegal parking on streets after the conversion of the building. The adjacent temporary car park was already saturated. The future termination and development of the temporary car park would further aggravate the situation. It was also unrealistic to assume the car parking spaces in Discovery Park and Tsuen Wan Plaza, as proposed by the applicant, could effectively serve the need of the proposed development on the application site;
- (iv) approval of this application would set an undesirable precedent for similar applications for wholesale conversion of existing industrial

building for 'shop and services' uses without the provision of the necessary supporting car parking facilities, the cumulative impact of which might result in adverse traffic implications in the Chai Wan Kok Industrial Area; and

- (v) there were public comments on the traffic impact of the proposed development and potential conflict between pedestrian and heavy traffic of the subject industrial area. As regards the public comments from the tenants of the subject building stating that they had just moved in the subject building and expected to stay there for a longer period, they were considered irrelevant to the application because they were related to the private agreement between the owner and the tenants and not related to land use matters. The issue raised on the lack of potential shoppers in the area was also considered not relevant as it was mainly a commercial decision made by the applicant. As regards the comment on pollution and waste of resources brought by the proposed conversion, the Director of Environmental Protection had no objection to the application.

42. Members had no further question on the application.

Deliberation Session

43. A Member considered that the applicant should be requested to submit swept path analysis in the future application to demonstrate that sufficient turning space should be provided for manoeuvring in the car parking floor. In this regard, Ms. F.F. Ying of TD, pointed out that the TIA report only included the swept path demonstrations for two loading/unloading bays, which had sufficient turning spaces. However, for those proposed parking spaces and some other loading/unloading bays with insufficient turning spaces, no swept path analysis had been provided in the TIA report.

44. A Member raised a concern that the car parking layout for the proposed development, which was worked out by a professional traffic consultant, was impractical as some of the proposed parking spaces and loading/unloading bays were either inaccessible or

blocked by other vehicles. The Member said that it was even more unacceptable for a professional consultant to draw up a substandard carpark layout like the present one.

45. A Member opined that the application could not be supported as the proposed car parking provision was far from the requirements set down in HKPSG and considered unacceptable by C for T. The lack of car parking spaces in the building would aggravate the existing illegal parking problems in the vicinity of the site. Moreover, approval of the application would set an undesirable precedent for similar applications, and this would result in adverse traffic impacts in the area. The above views were shared by other Members.

46. A Member also pointed out that 43 car parking spaces should be provided in accordance with the HKPSG requirements. The TIA, however, only assumed that only 10 car parking spaces were provided. Hence, the TIA, which was based on an insufficient provision of car parking facilities was considered unacceptable.

47. Another Member noted that the TIA was completed by the applicant in February 2010, which was more than one year before. This Member considered that as the traffic conditions in the area might have changed over time, the TIA for the proposed development should be updated.

48. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper. The Chairperson suggested and Members agreed that one more rejection reason was added to reflect Members' concerns as mentioned in paragraphs 43-47 above. The reasons were :

- (a) the carparking proposals were not acceptable in respect of the unsatisfactory car parking layout and insufficient car parking space provision;
- (b) the traffic impact assessment in the submission was not acceptable as it was based on insufficient provision of car parking spaces and failed to adequately assess the traffic impacts generated by the proposed development; and

- (c) approval of this application would set an undesirable precedent for similar applications for wholesale conversion of existing industrial building without adequate provision of supporting car parking facilities, the cumulative impact of which might result in adverse traffic impacts in the Chai Wan Kok Industrial Area.

[The Chairperson thanked Mr. K.T. Ng, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. Andrew Tsang left the meeting at this point.]

Hong Kong District

[Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/245 Proposed Hotel in "Other Specified Uses" annotated "Business(1)" zone,
43 Heung Yip Road, Wong Chuk Hang (AIL 353)
(MPC Paper No. A/H15/245A)

Presentation and Question Sessions

49. With the aid of a powerpoint presentation, Miss Isabel Y. Yiu, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application. The District Officer (Southern), Home Affairs Department commented that due consideration should be given to the local sentiments in processing the application;
- (d) during the statutory publication periods of the application and further information, three public comments were received. One comment was submitted by a member of the public rendering support to application from the tourism development perspective. One comment was submitted by several Southern District Councillors who had the views that as only a few of the approved hotel developments had been implemented, the Town Planning Board (the Board) should impose an approval condition to request for early implementation of the approved hotel proposals to avoid wasting land resources and abuse of the planning application system. The third public comment objected to the application mainly on the grounds that the traffic generated by the proposed hotel would further contribute to traffic congestion in the Southern District; any increase in traffic and demand for additional road capacity would require the extension of Route 4 from Kennedy Town to Aberdeen which might have undesirable environmental impacts and a full width public promenade should be maintained between the site and the nullah; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed hotel development was in line with the planning intention of the “Other Specified Uses” annotated “Business (1)” (“OU(Business) 1”) zone which was primarily for general employment uses. An application for a 36-storey hotel under Application No. A/H15/210 with a plot ratio (PR) of 15.094 at the application site was previously approved by the Committee on 15.4.2005. The proposed PR under the current scheme was slightly reduced to 15.0753 with the claim of bonus PR of 0.0753 for surrendering of land for road widening at Heung Yip Road to meet the 3m setback requirement on the Outline Development Plan. As compared with

the approved scheme, the building height of the proposed development was reduced from 137mPD to 119.925mPD at the main roof level, which was within the maximum building height of 120mPD stipulated under the Wong Chuk Hang Outline Zoning Plan for the application site. The Chief Town Planner/Urban Design and Landscape, PlanD and the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department had no objection to or adverse comments on the application from the urban design point of view. The proposed hotel development was considered acceptable in environmental, traffic, infrastructural and landscape terms. Concerned Government departments had no objection to or adverse comments on the application. Regarding the public concerns on the possible adverse traffic impacts induced by the proposed development, the Commissioner for Transport had no objection to the Traffic Impact Assessment submitted by the applicant, which had demonstrated that the proposed development would not have adverse traffic impact on the road network.

50. A Member enquired if there was any plan to relocate the bus depot, which was situated to the immediate west of the application site. In response, Miss Isabel Y. Yiu, STP/HK, said that the site where the bus depot was located was a piece of Government land and the bus depot was covered by a Short Term Tenancy (STT). She was not aware of any relocation plan of the bus depot.

51. The Chairperson said that the bus depot was currently operated on a STT. Regarding the permanent land use of the site, it was intended for general business use as it fell within “OU(Business)1” zone on the Outline Zoning Plan. The Chairperson added that the proponent had previously submitted a rezoning request in 2006 to rezone several sites including the bus depot site from “OU(Business)” to “Residential (Group E)2” for residential use with bus depot to be reprovisioned in-situ. The Committee did not agree to the rezoning request mainly on the grounds that the proposed residential use at the subject site was considered incompatible with the existing bus depot and industrial uses in the surrounding areas.

52. In reply to a Member’s question about the PR of proposed hotel developments

within the “OU(Business)” zones approved by the Committee, Miss Yiu said that these approved hotel developments had a PR of 15.

Deliberation Session

53. 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 22.7.2015, 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 setting back of the proposed development from Heung Yip Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of a revised Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in approval condition (d) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building

Design Guidelines and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (b) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department in paragraph 9.1.1 of the Paper regarding the granting of consent for additional GFA in excess of the restriction under the lease;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, BD in paragraph 9.1.2 of the Paper regarding the exemption/exclusion of plant rooms and back-of-house facilities from GFA calculation;
- (d) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department in paragraph 9.1.6 of the Paper regarding the submission of proposed on-ground planting within the drainage reserve;
- (e) to note the comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department in paragraph 9.1.8 of the Paper regarding the façade treatment of the proposed hotel development;
- (f) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department in paragraph 9.1.12 of the Paper regarding the licensing requirements for hotel use under the Hotel and Guesthouse Accommodation Ordinance; and
- (g) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

[The Chairperson thanked Miss Isabel Y. Yiu, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Ms. Maggie M.K. Chan left the meeting at this point.]

[Ms. Kitty S.T. Lam, STP/HK, was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/172 Proposed Hotel in "Other Specified Uses" annotated "Business" zone,
12 Lee Chung Street, Chai Wan
(MPC Paper No. A/H20/172A)

Presentation and Question Sessions

55. Ms. Kitty S.T. Lam, STP/HK, said that replacement page 12 of the Paper was tabled at the meeting for Members' reference. With the aid of a powerpoint presentation, Ms. Lam presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed redevelopment of the existing industrial building at the application site to 'hotel' use with a plot ratio (PR) of not exceeding 15 and building height of not exceeding 119mPD;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication periods of the application and further information, one public comment submitted by the Incorporated Owners of No. 1 Ning Foo Street (i.e. Kantone Centre) which was located to the immediate east of the application site was received. The commenter

objected to the application on the grounds that the structural safety of Kantone Centre would be adversely affected during the redevelopment process and the proposed hotel would attract a large number of visitors to the area both day and night causing security problem in the area. Moreover, the commenter opined that the proposed hotel development would adversely affect the traffic condition in the vicinity, in particular, the loading/unloading activities at Kantone Centre. The commenter pointed out that the Transport Impact Assessment submitted by the applicant was inaccurate and inadequate and the proposed building would create adverse impacts on air ventilation and local environment and sewerage at the locality; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper, which were summarized below:
 - (i) the application site was located in an existing industrial area which was undergoing gradual transformation into a business area. The area was characterized by mixed industrial, commercial/office, industrial-office and residential developments. The proposed hotel development was therefore considered generally not incompatible with the surrounding developments in terms of land use. Furthermore, it would facilitate the transformation of the industrial areas;
 - (ii) the proposed hotel was located in an area with established road network and public transport services, and the Mass Transit Railway (MTR) Chai Wan Station located at about 600m southeast of the proposed hotel. The application site was considered to have good accessibility and the Commissioner for Tourism (C for T) considered the proposed hotel would be convenient to the tourists;
 - (iii) the PR of the proposed hotel development was 15. Having regard to the inland location of the application site and some existing

developments in the “Other Specified Uses” annotated “Business” zone (“OU(Business)”) zones which had been developed up to a PR of 15, the proposed development intensity of the hotel was considered not unacceptable;

- (iv) with a building height of 119mPD, the proposed hotel development would not be incompatible with the surrounding developments with building height ranging from 44mPD to 110mPD. Moreover, most buildings with building height below 60mPD were old buildings of over 30 years with potential for redevelopment in future. Taking into account the surrounding areas of the site mainly comprised mixed industrial, commercial and residential uses, the proposed development of 119mPD was not incompatible in the overall context of the Chai Wan area. In this regard, the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD) had no adverse comment on this aspect; and

- (v) regarding the commenter’s concern on the structural safety of the adjoining building, there was control under the Buildings Ordinance to ensure building safety at the construction period. As regards the commenter’s concern on security in the area, the Commissioner for Police would maintain law and order in the area. On the concerns on traffic, sewerage, environmental and air ventilation, relevant Government departments including the Commissioner for Transport, Director of Environmental Protection and CTP/UD&L, PlanD had no adverse comments on the application. Should the application be approved, approval conditions on the traffic and sewerage aspects had been recommended in paragraphs 13.2(b) to (d) of the Paper.

56. Members had no question on the application.

Deliberation Session

57. A Member said that as the Chai Wan industrial area was undergoing gradual transformation into a business area and the subject site was close to the MTR Chai Wan Station, the proposed hotel use on the application site was considered acceptable. However, this Member queried whether a PR of 15 for the proposed hotel was excessive as it was higher than that of other proposed hotel developments previously approved by the Board, which in general had a PR up to 12.

58. In response, the Chairperson said that the “OU(Business)” zones on the Outline Zoning Plans (OZPs) covering the Kowloon areas had a maximum PR of 12, and the proposed hotel developments within these zones previously approved by the Board had a PR not exceeding 12. Regarding the planning applications for proposed hotel developments within “Residential (Group A)” (“R(A)”) zones on the OZPs covering Hong Kong Island, the Board had taken a view that a PR of not exceeding 12 for these developments would be appropriate as they would be compatible with the neighbouring “R(A)” developments.

59. The Chairperson also pointed out that the “OU(Business)” zones in the Wong Chuk Hang area, where there was no PR restriction under the “OU(Business)” zones on the relevant OZP, the Board had approved proposed hotel developments with a PR of 15.

60. The Chairperson said that no PR restriction was stipulated in the “OU(Business)” zones within Chai Wan industrial area. The lease conditions for the subject site contained a user clause restricting use of the site to industrial and/or godown purposes while PR and building height restrictions were not specified in the lease. Since hotel developments would represent an upzoning of the site when compared to the lease entitlement, Members could consider whether the applicant’s justifications should merit a favourable consideration for the hotel development with a PR of 15.

61. A Member enquired about the PR restriction of “OU(Business)” sites in other parts of Hong Kong Island. In response, Miss Kitty S.T. Lam, STP/HK, said that PlanD had conducted a review of PR restriction for the “OU(Business)” zone for Shau Kei Wan OZP. Taking into account the lease entitlements of various industrial sites and the urban design considerations, it was proposed by PlanD and agreed by the Board that a PR restriction of 12

for the “OU(Business)” zones in Shau Kei Wan be imposed. The PR restriction of 12 was also consistent with that imposed on the “OU(Business)” zones in the Kowloon areas.

62. A Member said that when compared to the Wong Chuk Hang area which was less compact in development with hilly backdrop and more open space and green areas, the Chai Wan industrial area was relatively flat and more densely built-up. This Member considered that the approval of the proposed hotel development with a PR of 15 in the Chai Wan industrial area had to be carefully considered as the approval would set a precedent for similar applications, the cumulative impacts of which would lead to adverse traffic, air ventilation and visual impacts. Taking into account that the nature of the proposed hotel use was in between a non-domestic use and a domestic use which were subject to maximum PR of 15 and 10 under the Building (Planning) Regulations respectively, this Member considered that a maximum PR of 12 was appropriate for hotel developments.

63. A Member opined that there had been a number of hotel applications in “OU(Business)” zones recently approved by the Board, but only a few of them had been implemented. This Member enquired whether the PlanD had liaised with the concerned Government bureau/ departments on the demand for hotel developments before granting new approval of hotel. This Member expressed concern on the oversupply of hotel rooms in the future.

64. In response, the Chairperson said that the PlanD had kept a record of the proposed hotel developments approved by the Board. However, whether or not to implement the proposed hotel development after obtaining approval from the Board would be a market decision of the applicant. On the forecast of supply and demand for hotel rooms, Commissioner for Tourism, the authority overseeing the demand and supply of hotel developments in Hong Kong, could be approached to gather such information.

65. A Member said that the Tourism Commission had kept a record of occupancy rate of hotel rooms. The hotels in Hong Kong had a high occupancy rate and were relatively expensive when compared to those in Shenzhen. As such, it was considered important to have a stable supply of hotel rooms to ensure adequate hotel facilities with reasonable charges. This would contribute to the tourism of Hong Kong, which played an important role in the economy.

66. A Member opined that the policy of revitalizing industrial buildings to other non-industrial uses within “OU(Business)” and “Industrial” zones should be supported as the industrial activities in these areas were diminishing. This Member considered that the proposed hotel use on the application site could be supported but agreed that the proposed PR of 15 was excessive taking into account the narrow streets, the high development intensity of the area and the cumulative adverse impacts of approving similar hotel developments with a PR of 15 in the area. Nevertheless, this Member doubted whether it should be decided at this stage that the proposed PR of the hotel development should be reduced to 12 as it should be substantiated and backed up by detailed assessments. The above views were shared by another Member.

67. Another Member reiterated that the proposed hotel development with a PR of 15 could not be supported, taking into account the narrow street patterns and high development intensity of the area. The proposed hotel development with over 500 guestrooms was large and would have adverse traffic, visual and air ventilation impacts on the area. Moreover, no proposed hotel development with a PR 15 in the area had been approved by the Board before and a number of nearby existing buildings were relatively low-rise. The approval of the subject application would be the first of its kind and would set precedent for similar hotel developments in the area. Hence, it was important that an appropriate PR be imposed on the proposed developments. This Member suggested to follow the PR restriction imposed on the “OU(Business)” zones in Shau Kei Wan i.e. a PR of 12 and adopt the same restriction for the proposed hotel development on the subject site.

68. Another Member considered that the cumulative impacts of redevelopment of all the industrial sites to PR of 15 would not be sustainable in the Chai Wan industrial area.

69. A Member said that as the Committee was considering the application under s.16 of the Town Planning Ordinance, the Committee could approve the application with conditions that the proposed hotel development should have a PR restriction of 12.

70. The Chairperson noted that Members in general supported the proposed hotel use on the site as Chai Wan industrial area was undergoing gradual transformation into a business area, and the development would facilitate the transformation process. However, Members considered that the proposed PR of 15 was excessive in view of the narrow streets and high

development intensity of the area, and the approval of the application would set an undesirable precedent causing cumulative adverse traffic, air ventilation and visual impacts on the area. The Chairperson pointed out that in dealing with the proposed PR issues, the Committee could consider two options. The first option was to approve the application with a PR of 12 rather than 15 as applied. The second option was to reject the application based on the reasons that a PR of 15 for the proposed hotel development was considered excessive taking into account the local conditions of the site and the surrounding developments and the approval would set undesirable precedent for similar hotel development with a PR of 15 causing adverse impacts on the area.

71. Members generally agreed that the application should be rejected due to the excessive development intensity and setting of undesirable precedent causing adverse traffic, visual and air ventilation impacts on the area.

72. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejecting the application as stated in paragraph 13.3 of the Paper and agreed that reasons should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were:

- (a) the industrial area of Chai Wan in which the site was located was densely developed with narrow streets. The proposed plot ratio (PR) of 15 of the development was considered excessive; and
- (b) the approval of the application would set an undesirable precedent for redevelopment of industrial sites for similar hotel developments, the cumulative effect of which would have adverse traffic, visual and environmental impacts on the area.

[The Chairperson thanked Ms. Kitty S.T. Lam, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting]

A/H3/402 Proposed Eating Place, Office and Shop and Services
in “Residential (Group A)” zone,
2-4 Shelley Street, Sheung Wan
(MPC Paper No. A/H3/402)

73. The Committee noted that on 30.6.2011, the applicant had requested the Committee to defer consideration of the application for two months in order to allow time for the applicant to address the comments from Government departments.

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

[Mr. Felix W. Fong left the meeting at this point.]

[A short break of 3 minutes was taken at this point.]

Kowloon District

Agenda Item 11

Section 12A Application

[Open Meeting]

Y/K13/1

Application for Amendment to the
Approved Ngau Tau Kok & Kowloon Bay
Outline Zoning Plan No. S/K13/25
from “Residential (Group A)” to “Residential (Group A) 1”
and Incorporation of the Remarks of the Notes for the “Residential
(Group A) 1” zone to Reflect the Planning Intention to Preserve and
Integrate the Historic Buildings, to Promote the Provision of Tourism
Supporting Facilities, and to Enhance Public Accessibility to Public
Transportation Facilities and Historic Sites,
53, 53A, 55, 55A Kwun Tong Road, Kowloon
(NKILs 167 sB, 167 RP, 168 sB and 168 RP)
(MPC Paper No. Y/K13/1)

75. The Secretary said that the application was submitted by Oriental Generation Limited with Ove Arup & Partners Hong Kong Limited (Ove Arup) and the University of Hong Kong (HKU) as the consultants. The following Members had declared interests in this item:

- | | |
|---------------------|---|
| Mr. K.Y. Leung | - was a senior programme director of HKU SPACE;
and |
| Professor S.C. Wong | - having current business dealings with Ove Arup &
Partners Hong Kong Limited and was the external
examiner for HKU SPACE |

76. The Committee noted that Professor S.C. Wong had tendered an apology for being unable to attend the meeting. Members agreed that as the applicant had requested for deferment of consideration of the application, Mr. K.Y. Leung could be allowed to stay in the meeting.

77. The Committee also noted that on 6.7.2011, the applicant's representative had requested the Committee to defer consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address departmental comments.

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

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

Agenda Item 12

[Open Meeting]

Proposed Amendments to the
Approved Ho Man Tin Outline Zoning Plan No. S/K7/20
(MPC Paper No. 9/11)

79. The Secretary said that the proposed amendments to the Ho Man Tin Outline Zoning Plan (OZP) were to incorporate the authorised alignment of the Mass Transit Railway Kwun Tong Line Extension and a minor relaxation clause for gross floor area (GFA)/ plot ratio (PR) restrictions in the Remarks of the Notes for various development zones on the OZP. Mr. Raymond Y.M. Chan, who owned a property on Ho Man Tin Hill Road had declared an interest in this item. Members agreed that as the item was for the consideration of proposed amendments to an OZP and related to the plan-making process, Mr. Chan could be allowed to stay in the meeting.

Presentation and Question Sessions

80. With the aid of a powerpoint presentation, Mr. Vincent T.K. Lai, STP/K, presented the proposed amendments and covered the following aspects as detailed in the Paper :

Background

- (a) the Kwun Tong Line Extension (KTE) was an extension of the existing Mass Transit Railway (MTR) Kwun Tong Line from MTR Yau Ma Tei Station to Whampoa, with two new stations at Ho Man Tin and Whampoa. The KTE railway scheme was first gazetted on 27.11.2009 and amendments to the scheme were gazetted on 25.6.2010. On 30.11.2010, the KTE was authorized by the Chief Executive in Council (CE in C) under the Railways Ordinance. In accordance with section 13A of the Town Planning Ordinance (the Ordinance), the authorized scheme was deemed to be approved under the Ordinance. Thus, the authorized KTE alignment should be incorporated into the Ho Man Tin Outline Zoning Plan (OZP);
- (b) the provision for application for minor relaxation of GFA/PR restrictions had been incorporated into the Remarks of the Notes for “Commercial” (“C”), “Residential (Group A)” (“R(A)”), “Residential (Group B)” (“R(B)”), “Residential (Group C)” (“R(C)”) and “Residential (Group E)” (“R(E)”) zones on most of the OZPs in the Metro Area. Such provision would be included in the remaining OZPs when opportunity arose. In this connection, a technical amendment to the Ho Man Tin OZP for incorporating the provision for minor relaxation of GFA/PR restrictions into the Notes for “C”, “R(A)”, “R(B)”, “R(C)” and “R(E)” zones was required;

Proposed Amendments to the OZP

- (c) the alignment of the KTE as authorised by the CE in C was proposed to be incorporated in the draft OZP;

Proposed Amendments to the Notes and the Explanatory Statement of the OZP

- (d) incorporation of a minor relaxation clause on GFA restriction for the “C” zone;
- (e) incorporation of a minor relaxation clause on PR restriction for the “R(A)”, “R(B)”, “R(C)”, and “R(E)” zones; and
- (f) opportunity had also been taken to update the general information for various land use zones to reflect the latest status and planning circumstances of the OZP.

Departmental Consultation and Public Consultation

- (g) relevant Government bureaux/departments had no objection to or adverse comments on the proposed amendments to the approved OZP and their comments had been incorporated into the proposed amendments, where appropriate;
- (h) upon agreement of the Committee, the proposed amendments to the OZP would be published under section 5 of the Ordinance for public inspection. The Kowloon City District Council would be consulted on the proposed amendments during the exhibition period of the draft Ho Man Tin OZP No. S/K7/20A (to be renumbered to S/K7/21 upon exhibition) under section 5 of the Ordinance.

81. Members had no question on the proposed amendments.

Deliberation Session

82. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Ho Man Tin OZP No. S/K7/20 and the Notes and that the draft Ho Man Tin OZP No. S/K7/20A at Appendix I of the Paper (to be renumbered to S/K7/21 upon exhibition) and

its Notes at Appendix II of the Paper were suitable for exhibition under section 5 of the Ordinance;

- (b) adopt the revised Explanatory Statement (ES) at Appendix III of the Paper for the draft Ho Man Tin OZP No. S/K7/20A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the Plan and would be issued under the name of the Town Planning Board; and
- (c) agree that the revised ES was suitable for exhibition together with the draft Ho Man Tin OZP No. S/K7/20A (to be renumbered as S/K7/21 upon exhibition).

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/104 School (Tutorial School) in “Residential (Group B)” zone,
Flat A, 1/F, 301 Prince Edward Road West, Kowloon
(MPC Paper No. A/K7/104)

Presentation and Question Sessions

83. Mr. Vincent T.K. Lai, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the school (tutorial school);
- (c) departmental comments – the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) objected to the application as the existing means of escape provisions of the application premises were unacceptable;

- (d) during the statutory publication period, two public comments were received objecting to the application mainly on the grounds on illegal parking, security, environmental hygiene and building management; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The school (tutorial school) at the application premises did not comply with the Town Planning Board Guidelines No. 40 for “Application for Tutorial School under Section 16 of the Town Planning Ordinance” (TPB PG-No. 40) as there was no separate access to the tutorial school. Access to the tutorial school at the application premises was through the common main gate at the side entrance along La Salle Road and a common access within the subject residential building, which was shared with the residents of the same residential building. As there were no separate stairways and/or lifts/escalators exclusively serving the tutorial school, the current access arrangement would cause disturbance or nuisance to the residents living in the same residential building. The Committee previously rejected six similar applications for tutorial school on the grounds that the access to the tutorial schools were shared with the residents. It was considered that approval of the application would set an undesirable precedent for other similar applications for tutorial school within residential buildings in the area, which had no separate access to the application premises from public roads. CBS/K, BD objected to the application as the existing means of escape provisions of the application premises were unacceptable. He had already refused to issue the certificates and notices under section 12(1) of the Education Ordinance for the tutorial school at the application premises. It was noted from the public comments that the local residents had objection to the tutorial school in the area, which would aggravate traffic, and cause hygiene and security problems, as well as building management concerns.

84. Members had no question on the application.

Deliberation Session

85. Members considered that that the application could not be supported as it did not comply with the TPB PG-No.40 in that there was no separate access to the tutorial school and this would cause disturbance or nuisance to the residents of the same residential building. Moreover, the approval of the application would set an undesirable precedent for similar applications for tutorial schools within residential buildings in the area.

86. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper. The Chairperson suggested and Members agreed that rejection reason (a) be amended to elaborate that the application did not comply with the TPB PG-No. 40. The reasons were :

- (a) the tutorial school did not comply with the Town Planning Board Guidelines No. 40 for ‘Application for Tutorial School under section 16 of the Town Planning Ordinance’ in that there was no separate access to the tutorial school and it would cause disturbance or nuisance to the residents of the same residential building; and
- (b) the approval of the application would set an undesirable precedent for similar applications for tutorial schools within residential buildings in the area.

[The Chairperson thanked Mr. Vincent T.K. Lai, STP/K, for his attendance to answer Members’ enquiries. Mr. Lai left the meeting at this point.]

[Mr. Richard Y.L. Siu, STP/K, was invited to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/203 Proposed Houses in “Government, Institution or Community” zone,
99 Shatin Pass Road and the Adjoining Government Land,
Wong Tai Sin
(MPC Paper No. A/K11/203)

Presentation and Question Sessions

87. With the aid of a powerpoint presentation, Mr. Richard Y.L. Siu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed houses;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department commented that the proposed houses were too close to the adjacent kindergarten, with a separation of only about 2m. This would result in overlooking effects. Moreover, the proposed layout for the two houses was congested. Only a narrow path/planter of 1.5m wide and a small courtyard would be provided between the proposed houses. This would cause poor natural lighting;
- (d) during the statutory publication period, two public comments were received objecting to the application. One commenter objected to the application on the grounds that the application site served as a breathing space in the urban area; the proposed development did not comply with the Town Planning Board Guidelines No. 16 for “Application for Development/Redevelopment within “Government, Institution or Community” (“G/IC”) Zone for Uses other than Government, Institution or Community Uses (“GIC”) under Section 16 of the Town Planning Ordinance” (TPB PG-No. 16); and the approval of the application would affect the overall provision of GIC

facilities in the area. The other commenter, the kindergarten next to the application site, objected to the application for the reasons that the proposed development was taller than the kindergarten, and it was too close to the kindergarten causing adverse natural lighting and air ventilation impacts on the kindergarten. The commenter also requested that consideration should be given to the impacts of the proposed development on the structural safety of the kindergarten, the noise and air pollution generated during the construction stage and the preservation of trees on site; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed house development was considered not incompatible with the surrounding area and would not have adverse traffic and environmental impacts, the proposed house development was not in line with the TPB PG-No. 16 in that :
 - (i) the “G/IC” zone was intended primarily for the provision of GIC facilities serving the needs of the local residents as well as the general public. It was also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. The proposed house development, with the entire application site proposed solely for non-GIC use, was considered not in line with the planning intention of the “G/IC” zone;
 - (ii) the Secretary for Education advised that the site was no longer suitable for school development. However, it was considered that the site could be used for providing GIC facilities in the district in future. In general, there was a demand for social welfare facilities for the elderly and the persons with disabilities; and
 - (iii) given the application site was wholly proposed for non-GIC use, if the applicant wished to proceed with the proposed house

development, he should submit a rezoning application to the Board for consideration. The Chief Town Planner/Urban Design and Landscape, PlanD had expressed concerns that the two proposed houses were too close to the adjacent kindergarten. Moreover, the proposed layout for the two houses was congested causing poor natural lighting.

88. In response to a Member's enquiry on the review of the overall provision of GIC facilities in the area, Mr. Richard Y.L. Siu, STP/K, said that there was a demand for social welfare facilities for the elderly service centre and home for the elderly in Wong Tai Sin area.

Deliberation Session

89. In reply to a Member's question, Mr. Siu referred to Plan A-3 of the Paper and said that the western part of the application site was the private land owned by the applicant i.e. Section C of NKIL No. 2763. Part of the subject site was covered by a previous application (No. A/K11/38) for residential development submitted by the District Lands Officer/Kowloon East, Lands Department. The application was to facilitate a proposed contemporaneous exchange of part of NKIL 2763 Section C with the Government land to the east of the lot in order to allow a better site configuration of the remaining area for GIC uses. The application was approved by the Board on 22.5.1987. However, the proposed land exchange was subsequently withdrawn by the lot owner in 1988.

90. The Chairperson said that the application was not in line with the planning intention of the "G/IC" zone, which was primarily for the provision of Government, institution and community facilities serving the needs of the local residents and/or a wider district, region or the territory. The application did not comply with the TPB PG-No. 16 in that the entire application site was proposed for non-GIC uses. If the applicant wished to proceed with the proposed house development, he should submit a rezoning application to the Board for consideration.

91. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were :

- (a) the “Government, Institution or Community” (“G/IC”) zone was intended primarily for the provision of Government, institution and community (GIC) facilities serving the needs of the local residents as well as the general public. The application, which was solely for non-GIC use, was considered not in line with the planning intention of the “G/IC” zone; and
- (b) the application was considered not in line with the Town Planning Board Guideline No. 16 for “Application for Development/Redevelopment within "Government, Institution or Community" Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance” in that more than 50% of the total site area or gross floor area of the proposed development were for non-GIC use and hence should be considered by way of an application for rezoning.

[The Chairperson thanked Mr. Richard Y.L. Siu, STP/K, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

[Mr. Silas K.M. Liu, STP/K, was invited to the meeting at this point.]

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/654 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop 2, G/F, Lemmi Centre, 50 Hoi Yuen Road, Kwun Tong
(MPC Paper No. A/K14/654)

92. The Secretary said that the application was submitted by Profit Champ International Enterprises Ltd. represented by Traces Ltd.. Ms. Julia M.K. Lau had declared an interest on this item as she was a shareholder of Traces Ltd.. The Committee agreed that the interest of Ms. Lau was direct and she should leave the meeting temporarily for this item.

[Ms. Julia M.K. Lau left the meeting at this point.]

Presentation and Question Sessions

93. Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services with a total floor area of about 145.83m² on the ground floor of an existing industrial building;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received supporting the application without providing any reason; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed for greater flexibility in the use of the existing industrial or Industrial- Office buildings provided that the use would not result in adverse fire safety and environmental impacts. The proposed ‘Shop and Services’ use at the application premises was considered in line with the planning intention of the “OU(Business)” zone. It also complied with the Town Planning Board Guidelines No. 22D for ‘Development within the “OU(Business)” Zone’ in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent area. Relevant government departments had no objection to or adverse comments on the application. Should the Committee approve the application, the total commercial floor area would be 145.83m², which was within the maximum permissible limit of 460m² on the ground floor of

an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application.

94. Members had no question on the application.

Deliberation Session

95. 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 completely separated from the industrial portion and fire service installations in the application premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2012; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or a waiver for the shop and services use at the application premises;
- (b) to appoint an Authorised Person to submit building plans for the change of use/alteration works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance, in particular :
 - (i) provision of means of escape in accordance with Building (Planning) Regulation 41(1) and paragraph 14 of the Code of Practice for the Provision of Means of Escape;

- (ii) provision of 2-hour fire resisting separation wall between the application premises and the remaining portion of the existing workshop on the G/F in accordance with paragraphs 8 and 9 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and
 - (iii) provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) relating to the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA had no power to give retrospective approval or consent for any unauthorized building works; and
- (d) to note the comments of the Director of Fire Services that the applicant should :
- (i) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by BD; and
 - (ii) observe the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures of Commercial Uses in Industrial Premises’ issued by the TPB.

[The Chairperson thanked Mr. Silas K.M. Liu, STP/K, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

Agenda Item 16

Any Other Business

97. There being no other business, the meeting closed at 11:40 a.m..