

TOWN PLANNING BOARD

Minutes of 536th Meeting of the Metro Planning Committee held at 9:00 a.m. on 19.6.2015

Present

Director of Planning
Mr K. K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Dr Lawrence W.C. Poon

Assistant Commissioner for Transport (Urban),
Transport Department
Mr W.L. Tang

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

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

Assistant Director (R1), Lands Department
Ms Doris M.Y. Chow

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Ms Bonnie J.Y. Chan

Mr Patrick H.T. Lau

Mr Stephen H. B. Yau

Mr Frankie W.C. Yeung

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Ms Karen F.Y. Wong

Town Planner/Town Planning Board
Ms Floria Y.T. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 535th MPC Meeting held on 5.6.2015

[Open Meeting]

1. The draft minutes of the 535th MPC meeting held on 5.6.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K1/248 Proposed Hotel (Guesthouse) in “Residential (Group A) zone, Ground Floor (Part) and 7-12/F, UQ Place, 5-7 Austin Road, Tsim Sha Tsui, Kowloon

(MPC Paper No. A/K1/248)

3. The Committee noted that the applicant requested on 12.6.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the departmental comments. This was the first time that the applicant requested for deferment of the application.

4. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the

applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Items 4 and 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/425 Proposed Wholesale Conversion for Office, Eating Place, Shop and Services in "Industrial" zone, 77-81 Container Port Road, Kwai Chung, New Territories
(MPC Paper No. A/KC/425B)

A/KC/426 Proposed Wholesale Conversion for Office, Eating Place, Shop and Services in "Industrial" zone, 38-42 Kwai Fung Crescent, Kwai Chung, New Territories
(MPC Paper No. A/KC/426B)

5. The Committee noted that the two applications for wholesale conversion for office, eating place, shop and services were adjacent to each other, applied for the same use and represented by the same agent. The Committee agreed that they would be considered together.

6. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicants. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase. Mr Clarence W.C. Leung had also declared an interest in this item as he had an office in Kwai Chung. The Committee noted that Mr Patrick H.T. Lau had tendered apologies for being unable to attend the meeting. As the

office of Mr Clarence W.C. Leung was far away from the site, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

7. Ms Fannie F.L. Hung, STP/TWK, reported that the applicants of applications No. A/KC/425 and A/KC/426 submitted further information (FI) for each application on 18.6.2015 in the afternoon to supersede the previous FI submitted on 3.6.2015 (Appendix Ii of MPC Paper No. A/KC/425B and MPC Paper No. A/KC/426B) and 18.6.2015 in the morning. The FI for A/KC/425 included an updated floor plan showing the proposed car parking provision and updated land registry record while the FI for A/KC/426 included an updated floor plan showing the proposed car parking provision. The FI was similar to the FI submitted by the applicants on 3.6.2015 (which was superseded by the new FI), only that the summary tables on car parking provision had been deleted. As the FI involved no amendment to the development proposals, no recounting and publication, as well as no amendment to the MPC papers were required. The Committee also noted that the FI had been tabled at the meeting.

[Mr Dominic K.K. Lam arrived to join the meeting at this point.]

8. With the aid of a PowerPoint presentation, Ms Fannie F.L. Hung presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) wholesale conversion of the existing 17-storey industrial buildings (Prosperity Centre for application No. A/KC/425 and Yoo Hoo Tower for application No. A/KC/426) for office, eating place and shop and services use. After completion of the conversions, the gross floor area (GFA) of both converted buildings would be slightly less than the existing GFA. A new footbridge would be provided at 2/F of the converted buildings to connect each other;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Papers. Concerned departments had no objection to or no comment on the applications. The Director General of Trade and Industry advised that there might still be companies in operation in the subject industrial buildings. The views and needs of the parties concerned had to be taken into account. The Director of Environmental Protection advised that the applicants should select a proper location for fresh-air intake during the detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact;

- (d) during the first three weeks of the statutory publication periods, one objecting public comment for application No. A/KC/425, as well as one supporting and one objecting public comments for application No. A/KC/426 were received. The objecting comments for both applications were submitted by the same individual on the grounds that the proposed developments would be very large in scale which would have adverse traffic impact on the busy Container Port Road and pedestrian impact on the local pedestrian system. Another individual supported application No. A/KC/426 on the grounds that the proposed development would provide more choices of shopping and eating facilities which were lacking in the vicinity. No comment was received by the District Officer (Kawi Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Papers. The proposed developments were in line with the government policy to encourage wholesale conversion of industrial buildings. The proposed developments were not incompatible with the surrounding uses as the adjacent land uses of the sites comprised a mix of industrial related office and warehouse uses, and non-industrial uses were to the north of the sites across Kwai Fuk Road. Also, the vacancy rate of private office in Kwai Tsing District was at a low level (currently 3.6%). The proposed development was generally in line with the 'Town Planning Board Guidelines for Use/Development within "Industrial" Zone' (TPB PG-No. 25D) in particular that the proposed development could meet office demand

and the sites were easily accessible to public transport facilities. Regarding the public comments, the Commissioner for Transport (C for T) had no objection to the applications from the traffic point of view after considering the applicants' Traffic Impact Assessment (TIA) and Pedestrian Traffic Impact Assessment (PTIA).

9. A Member asked whether the provision of parking and loading/unloading(L/UL) spaces for the proposed developments could meet the requirements of parking standards and concerned department. In response, Ms Fannie F.L. Hung said that the applicants had amended the parking and L/UL provisions several times in accordance with the comments of Transport Department (TD), and the current proposal was acceptable to TD.

[Mr H.W. Cheung arrived to join the meeting at this point.]

10. Another Member noted that the current provision of parking and L/UL spaces in the proposed developments was below the required standards stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG), and the applicants justified it on the grounds that vacant parking spaces were available in the vicinity. He enquired whether the justification was acceptable. In response, Ms Fannie F.L. Hung said that while due consideration should be given to the HKPSG required provision of parking and L/UL spaces, there were cases that the transport authority had taken into account the parking provision in the vicinity to ascertain the adequacy of parking and L/UL provision for a proposed development. The same Member said that the sites were not small in size, and it was a commercial decision to convert some of the existing carparking spaces to commercial use, and asked whether it would set an undesirable precedent for similar applications. In response, Ms Fannie F.L. Hung said that TD had considered the current congested traffic conditions of Container Port Road to the northwest of the sites and advised that the proposed parking provision was appropriate. Mr W.L. Tang, Assistant Commissioner for Transport (Urban), TD, said that Members might consider whether the applicants should be requested to further explore the possibility of providing the parking and L/UL spaces in accordance with HKPSG.

11. In response to the Chairman's enquiry on whether TD had any particular consideration when accepting the parking/L/UL provisions, Ms Fannie F.L. Hung said that

the applicants had submitted FI six times to, inter alia, address TD's comments on the number of parking and L/UL facilities, the traffic impact on Container Port Road and the safety of pedestrian. TD finally had no objection to the applications provided that approval conditions were imposed to ensure that the applicants would design and provide the pedestrian and vehicular access as well as parking and L/UL spaces to their satisfaction.

Deliberation Session

12. A Member supported the two applications as there was office demand in Kwai Tsing District. This Member considered that the parking and L/UL provisions for each development could be assessed on a local district basis particularly if there was a public car parking complex to serve the area. Members noted that Kwai Fong Multi-storey Car Park was located to the northeast of the sites.

13. The Vice-chairman considered that the applicants' claim to utilise the vacant public parking spaces in the vicinity was inappropriate. He opined that the parking and L/UL provisions of the proposed development should follow the standards stipulated in HKPSG. Otherwise, it would set an undesirable precedent for similar applications. Referring to Table 2.2 of the Traffic Impact Assessments in Appendix Ia in the Papers, Members noted that under the HKPSG requirements, the two developments should provide a total of 155 to 210 private car parking spaces and 16 to 22 L/UL bays for goods vehicles. The proposed parking provisions in the applications of 45 private parking spaces and 16 L/UL bays for good vehicles were below the HKPSG requirements.

14. A Member considered that the applicants should provide the parking and L/UL spaces in accordance with the HKPSG's requirement unless TD advised that there were special considerations in the case to allow a lower provision. Without knowing the special considerations of TD, it might not be appropriate to approve the applications with insufficient provision of parking and L/UL spaces within the buildings.

[Mr Roger K.H. Luk, the Vice-chairman, left the meeting at this point.]

15. A Member considered that unlike new development or redevelopment, the configuration and layout of the existing industrial buildings were usually subject to

constraints making it difficult, if not infeasible, to provide parking and L/UL spaces up to the HKPSG requirement when the building was converted for commercial use. Imposing stringent parking provision requirements might affect the feasibility of the wholesale conversion project. It would defeat the policy objectives of “Optimising the Use of Industrial Buildings” to better utilise the scarce land resources by converting obsolete industrial use to other beneficial uses. The same Member considered that given TD had already accepted the proposed parking and L/UL provisions, the applications could be approved.

16. The Chairman considered that the major concern was when the floorspace previously used for car parking spaces was converted to commercial floorspace, whether there would still be sufficient provision of car parking and L/UL spaces to serve the proposed developments after conversion. A Member considered that given the area had gradually transformed from industrial to commercial use, there were planning merits of approving the applications. Apart from the HKPSG requirements, other planning considerations might also be relevant in determining the level of parking and L/UL provision. For instance, about 20 to 30 car parking spaces were provided in the Centennial Campus at the University of Hong Kong to encourage people using public transport to the campus. Similar considerations might also be applicable to the application sites as they were near MTR station. The Chairman supplemented that the level of parking provision was to be decided by TD, and the standards stipulated in HKPSG served to provide a guidance on which TD would base on its decision taking into account relevant considerations including the local traffic conditions and site constraints, etc.

17. Another Member said that flexibility was allowed in the “Optimising the Use of Industrial Buildings” policy in provision of parking and L/UL spaces. Given that TD had accepted the applicants’ proposal, the applications could be supported. The same Member further noted that ancillary car park previously was not accountable for gross floor area (GFA) and asked if the wholesale conversion of existing industrial building would result in an increase in the total GFA. In response, the Chairman said that in the case of wholesale conversion of industrial building, the development would not result in changes in building bulk. Members noted that in the two applications, the conversion works would include demolition of external building structures at various floors and the GFA of the converted buildings would be slightly less than the existing GFA.

18. The Chairman further said that in implementing the development under the “Optimising the Use of Industrial Buildings” policy, one of the considerations was to enhance the street vibrancy by putting shop and services on the ground floor.

19. In view of some Members’ concerns, the Chairman invited Members to consider whether (i) to approve the applications with a condition requiring the provision of car park and L/UL facilities to the satisfaction of TD, or (ii) to defer decision on the applications pending TD’s explanation on the rationales of accepting the proposed parking and L/UL spaces for Members’ further consideration.

20. Members generally agreed that on balance the proposed wholesale conversion for commercial use was acceptable. Given the sites were located near the MTR stations and an existing multi-storey public car park, provision of parking and L/UL spaces lower than the HKPSG requirement was considered acceptable by the transport authority. Converting the car parking spaces on the ground floor of the existing building to commercial uses, including eating place and shop and services, had the planning merit of enhancing the street vibrancy.

21. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 19.6.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions:

- “(a) the design and provision of vehicular access, car park and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a sewerage impact assessment within 6 months from the date of the approval to the satisfaction of the Director of Environmental

Protection or the TPB by 19.12.2015;

- (d) the implementation of the recommended measures as identified in the approved sewerage impact assessment to the satisfaction of the Director of Environmental Protection or the TPB; and
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

22. The Committee also agreed to advise each of the applicants of the following:

- “(a) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that to apply to the LandsD for a lease modification for the proposed conversion. Appropriate terms and conditions would be considered and imposed in the lease modification so as to reflect the intention of the planning approval as appropriate. However, there is no guarantee at this stage that the lease modification will be approved. If the application is approved by the LandsD acting in the capacity as the landlord at its sole discretion, it will be subject to such terms and conditions including inter alia, payment of premium and administrative fee as LandsD may consider appropriate for the case. Furthermore, if the applicant wishes to apply for a special waiver for wholesale conversion of the existing industrial building, he should note and observe the LandsD Practice Note (PN) No. 1/2010 as varied and supplemented by PN Nos. 1/2010A and 1/2010B, which sets out detailed arrangements (including requirements and conditions) on application for special waiver for conversion of an entire existing industrial building. LandsD would process such applications in the capacity of a landlord, at its sole and absolute discretion, and may approve or reject any such application. If the application is approved, it will be subject to such terms and conditions as considered appropriate;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that to comply with the provisions of the Buildings

Ordinance; and

- (c) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Building which is administered by the Buildings Department.”

[The Chairman thanked Ms Fannie F.L. Hung, STP/TWK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

[Mr Tom C.K. Yip, District Planning Officer/ Kowloon (DPO/K) and Ms Joyce Y.S. So, Senior Town Planner/Kowloon (STP/K), were invited to the meeting and Mr Laurence L.J. Li left the meeting temporarily at this point.]

Kowloon District

Agenda Item 6

[Open Meeting]

Draft Planning Brief for the Five “Comprehensive Development Area” zones at Tung Yuen Street and Yan Yue Wai, Yau Tong

(MPC Paper No. 8/15)

23. The Secretary reported that one of the sites zoned “Comprehensive Development Area (1)” (“CDA(1)”) was owned by Korn Reach Investment Limited and Glass Bead Limited which were subsidiaries of CK Hutchison Holdings Limited (CK Hutchison). Professor P.P. Ho and Mr Patrick H.T. Lau had declared interests in the item as they had current business dealings with CK Hutchison. Mr Laurence L.J. Li had also declared an interest in the item as his wife’s relatives owned a factory in Yau Tong. The Committee noted that Mr Patrick H.T. Lau had tendered apologies for being unable to attend the meeting and Mr Laurence L.J. Li had left the meeting temporarily. As the current item was only concerned with the consideration of the Planning Brief (PB) which was part of the

plan-making process, the Committee agreed that the interest of Professor P.P. Ho was indirect and noted that he had not arrived to join the meeting yet.

24. With the aid of a PowerPoint presentation, Ms Joyce Y.S. So, STP/K, presented the draft PB for the five “CDA” zones at Tung Yuen Street and Yan Yue Wai, Yau Tong, as detailed in the Paper and covered the following main points:

Background

- (a) the draft PB covered five “CDA” sites, which had a total area of about 4.02 ha and were located at the southwestern waterfront area of the Yau Tong Industrial Area. The “CDA” sites were currently occupied by industrial building, concrete batching plants, recycling depots, vehicle repair workshop, vehicle parks, sand depot, Kwun Tong Wholesale Fish Market, Yau Tong Salt Water Pumping Station, Tung Yuen Street Cooked Food Market and Yan Yue Wai Refuse Collection Point;
- (b) the five “CDA” sites, together with the adjoining roads were previously covered by a large single “CDA” zone. It was not implemented mainly due to fragmented land ownership and the surrounding active industrial operations. “CDA(1)” to “CDA(4)” zones were mainly under private ownership and “CDA(5)” zone was a piece of government land;
- (c) on 19.12.2014, the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/22 (the OZP) incorporating, inter alia, the amendments to subdivide the large “CDA” zone into five smaller “CDA” zones to facilitate early development/redevelopment was exhibited for public inspection. Upon expiry of the exhibition period, no site-specific representation against the amendments on the subdivided “CDA” zones was received;

Development Restriction in the OZP

- (d) “CDA(1)” to “CDA(5)” zones were subject to a maximum plot ratio of 5.

Waterfront portions of the five zones were restricted to a maximum building height (BH) of 80 metres above Principal Datum (mPD) while the inland portions of “CDA(1)”, “CDA(3)” and “CDA(5)” were subject to a maximum BH of 100mPD. A public waterfront promenade of not less than 15m wide should be provided along the waterfront. A public vehicle park with not less than 171 parking spaces should be provided in the “CDA(5)” zone;

Planning Intention

- (e) the five zones were intended for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other community and supporting facilities;

Urban Design Requirements

- (f) considerations included encouraging diversity in built form, adopting a distinct gradation of height profile with descending BH towards the harbourfront, avoiding large and extensive podium structure, encouraging podium-free design directly along waterfront promenade, provision of sufficient building separation, visual and ventilation corridors and high quality greening were proposed to respect the waterfront setting and promote an attractive and accessible waterfront. Urban design proposal should be submitted as part of the Master Layout Plan (MLP) submission;

Public Waterfront Promenade

- (g) public waterfront promenade of not less than 15m wide should be provided. The waterfront promenade should be opened for public enjoyment every day on a 24-hour basis. Each developer would be required to construct, manage and maintain the respective section of the promenade until the section was surrendered to the government upon request. To ensure the accessibility of the waterfront promenade, a public passageway of not less than 1.5m wide linking the waterfront promenade with Tung Yuen Street

would be provided along the northwestern boundary of the “CDA(1)” zone. To enhance the vibrancy at the waterfront area, suitable commercial uses should be provided at each “CDA” zone along the public waterfront promenade. A minimum commercial gross floor area (GFA) requirement of 500m² was stipulated for the “CDA(5)” zone, which was at the entrance of the waterfront promenade and in close proximity to the tourist spot at Lei Yue Mun Village;

Visual and Air Ventilation Requirements

- (h) Visual Impact Assessment and Air Ventilation Assessment should be submitted as part of the MLP submission. Two non-building areas (NBAs) of not less than 15m wide running in a northeast-southwest direction and another NBA of not less than 15m wide running in a northwest-southeast direction should be provided;

Open Space and Landscape Requirements

- (i) Landscape Master Plan should be prepared and submitted as part of MLP submission. A minimum greenery coverage of 20% based on net site area (excluding the public waterfront promenade) should be provided and good quality mature trees should be preserved as far as practicable;

Traffic and Transport Requirements

- (j) besides the 171 public parking spaces that should be provided in the “CDA(5)” zone, sufficient temporary parking spaces should be maintained at the site during the construction period. Setbacks at both sides of Tung Yuen Street and the northwestern side of Yan Yue Wai should be provided to allow provision of 3.5m wide footpath. Traffic Impact Assessment should be carried out to examine possible traffic problems that might be caused by proposed development and submitted as part of the MLP submission;

Government, Institution and Community Facilities

- (k) the affected Yau Tong Salt Water Pumping Station and Tung Yuen Street Cooked Food Market should be re-provisioned within the “CDA(2)” zone;

Environmental, Geotechnical and Infrastructure Requirements

- (l) relevant assessments should be carried out to the satisfactions of relevant government departments;

Implementation

- (m) an implementation programme with phasing plan, if any, was required as part of the MLP submission for each “CDA” site; and

[Ms Doris M.Y. Chow left the meeting at this point.]

Way Forward

- (n) subject to the Committee’s agreement, the Planning Department (PlanD) would consult the Kwun Tong District Council (KTDC) and the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing of the Harbourfront Commission (the Task Force) on the draft PB. The views collected together with the revised PB incorporating the relevant comments, where appropriate, would be submitted to the Committee for further consideration and endorsement.

[Professor P.P. Ho arrived to join the meeting at this point.]

Commercial GFA in the “CDA” zones

25. In response to the Chairman’s query on the reasons for stipulating a minimum commercial GFA in the “CDA(5)” zone only, Mr Tom C.K. Yip, DPO/K, said that a minimum commercial GFA requirement was stipulated in response to the request of the Task Force that ancillary commercial facilities, e.g. eating place and shop and services, were required for the enjoyment of the visitors of the waterfront promenade. The “CDA(5)” site

was appropriate for making such provision taking advantage of its prominent location at the entrance to the waterfront promenade, its close proximity to the tourist spot at Lei Yue Mun Village, and its relatively longer frontage onto the waterfront promenade when compared with the “CDA(1)” and “CDA(3)” zones. Also, as the “CDA(5)” zone was a piece of government land, there would be a greater certainty for timely implementation of the commercial GFA to serve the community. For other “CDA” zones which were mainly under private ownership, the draft PB stated that suitable commercial uses should be provided in the developments along the waterfront promenade, but no minimum commercial GFA requirement was set to allow design flexibility for the respective developers.

[Mr Sunny L.K. Ho left the meeting at this point.]

26. In response to a Member’s query on how the minimum commercial GFA in the “CDA(5)” zone was determined, Mr Tom C.K. Yip said that reference was made to an approved development scheme at Kerry Godown site in Kai Tak. The actual commercial GFA to be provided into the “CDA” sites would be submitted to the Town Planning Board together with the MLP for consideration at the planning application stage.

27. A Member suggested that the commercial use should fit in with the waterfront promenade, e.g. alfresco dining near the waterfront promenade, to create vibrancy.

Car Parking Spaces in Yau Tong Area

28. In response to a Member’s question on the car parking spaces in Yau Tong area, Mr Tom C.K. Yip said that a public vehicle park with not less than 171 parking spaces (same as the existing provision in the site) would be provided within the “CDA(5)” site. Moreover, with the phased development approach, sufficient temporary parking spaces should be maintained at the “CDA(5)” site during the construction period. The Chairman supplemented that public car parking spaces would also be provided in a new residential site nearby. In the representation hearing of the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/19 on 24.1.2014, the Town Planning Board had asked the seafood restaurant operators in Lei Yue Mun to encourage its patrons to use public transport and consider arranging shuttle buses for them.

Cycle Track in the Waterfront Promenade

29. In response to a Member's query, Mr Tom C.K. Yip said that there was no intention to provide cycle track in the waterfront promenade of the five "CDA" sites because of the inadequate width (15m) of the waterfront promenade for providing promenade for pedestrians and cycle track at the same time. Also, no cycle track was proposed in the waterfront promenade of the approved development scheme at the Yau Tong Bay "CDA" site located to its northwest. On the other hand, a cycle track was planned in the waterfront promenade of Kai Tak area as it was wide and long enough for better public enjoyment without creating conflicts between cyclists and other users of the promenade. Unlike that in the New Territories, cycle track in the urban area would be frequently interrupted and could not form a continuous network.

30. The same Member opined that every opportunity should be taken to build a cycle track for public enjoyment and to promote green transport. Creative proposals such as elevated cycle track extended from the waterfront could be examined. Some Members said that planning should be forward looking and should not preclude the possibility of providing a cycle track connecting Yau Tong to Kai Tak in the future. A Member said that more diversified activities such as cycling and skateboarding should be considered in the design of the waterfront promenade. Members agreed that PlanD should further liaise with the Leisure and Cultural Services Department (LCSD) about the aforementioned suggestions.

Urban Design and Building Height

31. A Member expressed concern on the design of the waterfront promenade as it was situated at the entrance of Victoria Harbour, and opined that some guidelines were essential for a comprehensive and coherent design for the waterfront promenade of the "CDA" sites. The Chairman suggested and Members agreed that PlanD should further liaise with LCSD on that aspect.

32. The Chairman asked whether the urban design requirements on 'avoid large and extensive podium structure and encourage podium-free design' stipulated in the PB was too rigid and stringent as podium might have different functions such as accommodating commercial uses, separating vehicles and pedestrian, as well as acting as buffer between the

sensitive receivers and the nuisances, if any. A Member agreed that flexibility should be allowed provided that wall-like type podium could be avoided and good design with high visual and air permeability was adopted. Members agreed that PlanD should amend the PB accordingly.

33. A Member suggested that PlanD should further liaise with the Architectural Services Department (ArchSD) to work out more comprehensive guidelines for massing of buildings along the waterfront.

34. In response to this Member's suggestion, the Chairman said that a stepped BH profile of 80mPD at the waterfront portion and 100mPD at the inland portion was stipulated on the OZP. To provide design/architectural flexibility, planning application for minor relaxation of BH restrictions might be submitted and each application would be considered on its individual merits. At the current stage, there was no basis to devise a set of guidelines for variation of BH on the "CDA" zones. Another Member agreed that the guidelines on as it would be arbitrary without a detailed development scheme. Members agreed that PlanD should include in the PB stating that variation of BH profile should be adopted to enhance the visual interests of the developments.

35. The Chairman said that the MLP of the "CDA" sites would be submitted to the Committee for consideration at different time. To ensure a coordinated approach could be achieved, MLP for a "CDA" site prepared at a later time should make reference to the MLP submitted earlier at other "CDA" sites. The Secretary supplemented that the purpose of preparing one PB for the five "CDA" sites was to provide a comprehensive guidance/control of the developments.

Functions of the NBAs

36. A Member suggested that the NBAs could not only serve the function of promoting better air ventilation, but also could enhance visual permeability. It could be interconnected with the waterfront promenade and the open space in the vicinity so that the public could easily access the waterfront promenade from the inland area. The same Member further suggested that NBA2 in Plan 5 of the Paper could be connected with the open space in the further northeast via the alley in-between the industrial buildings to

enhance connectivity.

Implementation, Maintenance and Management of the NBAs and the Waterfront Promenade

37. A Member asked about the management responsibility of the NBAs. In response, Mr Tom C.K. Yip said that the portions of NBAs on public roads would be maintained by government department(s); and the portions in the “CDA(1)” and “CDA(3)” zones would be maintained by future developer(s). Subject to the AVA to be submitted at the MLP submission stage, variation to the width or alignment of the NBA could be considered if it could be demonstrated that the overall air ventilation performance would not be compromised and the development potential of other “CDA” sites would not be undermined.

38. In response to a Member’s concern on the implementation and maintenance responsibility of the waterfront promenade, Mr Tom C.K. Yip said that the developer of each “CDA” site would be required to construct the respective section of the waterfront promenade, and to manage and maintain it until the section was surrendered to the government upon request. In response to another Member’s concern on the implementation of the three sections of waterfront promenade at the southwestern end of three existing roads, Mr Tom C.K. Yip said that as Shung Wo Path, Yan Yue Wai and Shung Shun Street currently provided vehicle access points to “CDA(2)”, “CDA(4)” and “CDA(5)” respectively, those sections of waterfront promenade should be implemented together with the respective “CDA” sites.

39. In response to the same Member’s query on whether Shung Wo Path and the section of Yan Yue Wai near the “CDA(4)” zone could form part of the waterfront promenade, Mr Tom C.K. Yip said that they might need to be maintained as roads to provide access to the developments in the “CDA” zones.

40. After further discussion and subject to the revision to the part on podium-free design and BH, MPC decided to agree that the draft PB was suitable for consultation with KTDC and the Task Force. The revised PB incorporating the proposed amendments agreed at the current MPC meeting, the views collected from consultation, and outcomes of the discussion with ArchSD and LCSD, would be submitted to MPC for further consideration

and endorsement.

[The Chairman thanked Mr Tom C.K. Yip, DPO/K and Ms Joyce Y.S. So, STP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr Laurence L.J. Li returned to join the meeting at this point.]

Agenda Item 7

Any Other Business

Section 16A Application

[Open Meeting]

A/K14/716-1 Application for Extension of Time for Compliance with Planning Condition, Workshop A on Ground Floor, Hing Win Factory Building, 110 How Ming Street, Kwun Tong, Kowloon (Open Meeting)

41. The Secretary reported that an application for extension of time (EOT) for compliance with planning condition (a) under application No. A/K14/716 was received on 12.6.2015. The application had been approved with conditions by the Committee on 13.3.2015 for shop and services (convenience store). Approval condition (a) required the submission of the proposal for fire safety measures, including the provision of a means of escape completely separated from the industrial portion of the subject industrial building and fire service installations at the application premises within 3 months until 13.6.2015. The current EOT application was received on 12.6.2015, which was only a working day before the expiry of the specified time limited for condition (a) on 13.6.2015. According to the Town Planning Board Guidelines No. 34B for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development', an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition which were essential for the consideration of the application. Hence, the application was recommended not to be considered.

42. After deliberation, the Committee agreed that the application for EOT for compliance with planning conditions could not be considered for reason that condition (a) had already expired on 13.6.2015, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

43. There being no other business, the meeting closed at 10:40 a.m.