

**TOWN PLANNING BOARD**

**Minutes of 538th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 17.7.2015**

**Present**

Director of Planning  
Mr K. K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Assistant Commissioner for Transport (Urban).  
Transport Department  
Mr Wilson W.S. Pang

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

Principal Environmental Protection Officer (Metro Assessment),  
Environmental Protection Department  
Mr K.H. To

Assistant Director (Regional1), Lands Department  
Mr Simon S.W. Wang

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

Secretary

**Absent with Apologies**

Professor P.P. Ho

Mr Laurence L.J. Li

Mr Sunny L.K. Ho

**In Attendance**

Assistant Director of Planning/Board  
Ms Lily Y.M. Yam

Town Planner/Town Planning Board  
Mr Dennis C.C. Tsang

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 537th MPC Meeting held on 3.7.2015**

[Open Meeting]

1. The draft minutes of the 537th MPC meeting held on 3.7.2015 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

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

[Mr Lawrence Y.C. Chau, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Ms Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

[Open Meeting]

Proposed Amendments to the Approved Tsing Yi Outline Zoning Plan No. S/TY/26  
(MPC Paper No. 9/15)

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3. The Secretary reported that the proposed amendments to the Tsing Yi Outline Zoning Plan (OZP) were mainly for a proposed public rental housing (PRH) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in the item:

[Mr Martin W.C. Kwan left the meeting temporarily at this point.]

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| Mr K.K. Ling (Chairman),<br>as the Director of Planning                    | - | being a member of the Strategic Planning Committee and the Building Committee of HKHA  |
| Mr Martin W.C. Kwan,<br>as Chief Engineer (Works), Home Affairs Department | - | being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Professor P.P. Ho  | - | being a member of the Building Committee of HKHA   |
| Ms Julia M.K. Lau  | - | being a member of the Commercial Properties Committee and Tender Committee of HKHA   |
| Mr Dominic K.K. Lam  | - | having current business dealings with HKHA   |
| Mr Patrick H.T. Lau  | - | having current business dealings with HKHA   |
| Dr Lawrence W.C. Poon  | - | his wife being an employee of the Housing Department   |

4. According to the procedure and practice adopted by the Town Planning Board, as the proposed PRH development was the subject of amendments to the OZP proposed by the Planning Department (PlanD), the interests of the Chairman, Mr Martin W.C. Kwan, Professor P.P. Ho, Ms Julia M.K. Lau, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau and Dr Lawrence W.C. Poon on the item only needed to be recorded and they could be allowed to stay in the meeting. The Committee noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Ms Julia M.K. Lau had not yet arrived at the meeting. As the spouse of Dr Lawrence W.C. Poon was not involved in the proposed public housing development project, Dr Poon's interest was considered indirect.

## Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Ms Fannie F.L. Hung, STP/TWK, presented the proposed amendments as detailed in the Paper and covered the following main points :

### Background

- (a) the 2013 Policy Address stated that the Government would adopt a multi-pronged approach to build up land reserve with a view to meeting housing and other development needs. The 2014 Policy Address announced that except for the north of Hong Kong Island and Kowloon Peninsula, which were more densely populated, the Government considered it feasible to generally increase the maximum domestic plot ratio (PR) currently permitted for the other “density zones” in the territory by around 20% as appropriate. In implementing those measures, the Government would duly consider factors such as traffic and infrastructural capacities, local characteristics, existing development intensity and the various possible impacts of the proposed development on the areas concerned. In the 2015 Policy Address, it was announced that the housing target in the next decade was 480,000 units; and
- (b) in general, the maximum PR for Tsing Yi fell within Density Zone R2 (i.e. PR of 5). To maximise the development potential of housing land as announced in the Policy Address, a PR of 6 (i.e. a 20% increase) was proposed for new housing sites in Tsing Yi. To ascertain the increase in PR in planning terms, technical feasibility would be undertaken and concerned government departments would be consulted before rezoning;

### The Proposed Amendments to Matters shown on the OZP

*Amendment Items A1 and A2 – Rezoning for a proposed PRH development*

- (c) Item A1 - to rezone a site (about 4.13 ha) between Tsing Yi Road and Tsing Hung Road from “Open Space” (“O”) to “Residential (Group A)4” (“R(A)4”) to facilitate the proposed PRH development;
- (d) Item A2 – to rezone two small pieces of land (about 0.16 ha) between Tsing Yi Road and Tsing Sha Highway from area shown as ‘Road’ to “R(A)4” to facilitate the PRH development;

*Amendment Items B1, B2 and C – Rezoning to reflect the existing road alignment of Tsing Yi Road*

- (e) Item B1 - to rezone an area (about 0.13 ha) at the southern tip of Tsing Yi Road from “Government, Institution or Community” (“G/IC”) to an area shown as ‘Road’;
- (f) Item B2 – to rezone an area (about 69m<sup>2</sup>) to the immediate south of the site under Item A1 from “O” to an area shown as ‘Road’;
- (g) Item C – to rezone an area (about 76m<sup>2</sup>) near the southern tip of Tsing Yi Road from an area shown as ‘Road’ to “G/IC”;

*Technical Assessments*

- (h) broad technical assessments on traffic, environmental and air ventilation, as well as infrastructure had been conducted to ascertain the feasibility of the proposed PRH development. The adequacy of the provision of open space and Government, Institution and Community facilities in the area had also been assessed:

- (i) *Traffic Impact*

The Traffic Impact Assessment (TIA), which was accepted by the Commissioner for Transport (C for T), concluded that the traffic impact of the proposed PRH development was acceptable.

Although the existing public transport services would be able to absorb the additional demand arising from the proposed PRH development, off-street reserve laybys at Tsing Yi Road abutting the proposed PRH development for possible expansion of the bus and minibus services in future were proposed. Road improvement works was also proposed for Tsing Yi Road to widen the associated footpath to accommodate the future passengers. C for T would closely monitor the passenger demand for public transport services in the area and would adjust the level of services to cope with the possible additional passenger generated by the proposed PRH development.

[Mr Clarence W.C. Leung and Dr Wilton W.T. Fok arrived to join the meeting at this point. Mr Martin W.C. Kwan returned to join the meeting at this point.]

(ii) *Environmental Impact*

The Broad Environmental Assessment (BEA) concluded that there was no adverse air quality impact. Mitigation measures such as further setback of building blocks would be proposed in case of any exceedance of relevant odour/Volatile Organic Compounds standards during detailed design stage. In case of any exceedance of relevant traffic noise standards, appropriate noise mitigation measures could be implemented. An Environmental Assessment Study would be carried out during the detailed design stage for identifying and implementing the necessary mitigation measures. The Director of Environmental Protection (DEP) commented that no insurmountable noise issue was anticipated.

(iii) *Visual Impact*

A Visual Appraisal concluded that the visual impact of the proposed PRH development was not unacceptable. To maintain visual openness, the existing Tsing Hung Road Playground and the proposed ball courts would form a visual corridor in the north-south axis and the existing

drainage reserve would form another visual corridor in the east-west axis. Additional visual enhancement measures such as building gaps, variation of building heights, open space, green coverage and greening measures would be further explored at the detailed design stage to further reduce the potential visual impact arising from the proposed PRH development.

[Mr Patrick H.T. Lau arrived to join the meeting at this point.]

(iv) *Landscaping*

The preliminary tree survey indicated that there were about 1,800 trees existing on the proposed PRH development site. It was estimated that more than 80% of the existing trees, which were mainly common species with average form and low amenity value and some of which were of poor condition, would have to be removed. There was no Old and Valuable Tree or rare species on site. The proposed PRH development was not incompatible with the landscape character in the surrounding area.

(v) *Air Ventilation Impact*

The Air Ventilation Assessment concluded that the proposed PRH development would have negligible impact on the wind breezeway at Tsing Yi Road (Lower) but it would affect partially the wind breezeway at Tsing Yi Road (Upper). Appropriate mitigation measures, including preservation of the existing wind corridors with effort, maximising the width of wind breezeway and increasing building permeability whenever possible to reduce the impact on ventilation performance and pedestrian wind comfort, would be adopted.

(vi) *Infrastructural Impact*

The proposed PRH development would have no impact on infrastructural capacity.

(vii) *Provision of Open Space and GIC Facilities*

With the proposed PRH development, no shortfall in the provision of open space and GIC facilities was anticipated. HD would closely liaise with the Social Welfare Department (SWD) to ensure that the proposed PRH development could accommodate the needed facilities.

Proposed Amendments to the Notes and Explanatory Statement (ES) of the OZP

- (i) to facilitate art development, it was proposed to include the ‘Art Studio (excluding those involving direct provision of services or goods)’ use under Column 1 of the Notes for Schedule II of the “Other Specified Use” annotated “Business” zone;
- (j) the ES would be revised to take account of the above proposed amendments, and the latest status and planning circumstances.

Consultation

- (k) relevant government bureaux and departments had no objection to or no adverse comments on the proposed amendments; and
- (l) the Kwai Tsing District Council (KTDC) would be consulted on the proposed amendments during the exhibition of the draft OZP.

6. The Chairman noted that KTDC was concerned about the potential impact on the traffic, environment and the provision of community facilities in Tsing Yi that might be generated by the proposed PRH development. Mr Lawrence Y.C. Chau, DPO/TWK, said that the proposed PRH development would generate 399 passenger car units per hour (pcu/hr) during the morning peak hour and 292 pcu/hr during off peak hour and KTDC’s concern on transport services was based on problems encountered in other areas of Tsing Yi. The community with 38,000 population, which included the proposed PRH development, Cheung Ching Estate, Ching Chun Court (under construction), Mayfair Gardens and Rambler Crest, could be accessed via

Tsing Yi Road (Upper) and a distributor road which were separated from Kwai Tsing Road and Tsing Hung Road. There were also sufficient public transport services, including 14 Kolwoon Motor Bus routes and 7 Green min-bus routes, serving Tsing Yi, and connection services to local railway stations and other districts including Kowloon and Hong Kong. The Transport Department (TD) would continue to monitor the demand for public transport services to ensure that Tsing Yi would be adequately served. Mr Wilson W.S. Pang, Assistant Commissioner for Transport/Urban, TD, supplemented that the department would keep monitoring the demand for public transport services in a district on a yearly and longer-term basis, taking account of any changes in the transport situation. As the proposed PRH development would accommodate about 11,000 residents, the demand for public transport services would be closely monitored and in liaison with the stakeholders to ensure timely implementation of improvement schemes towards completion of the proposed PRH development in 2021. Mr Lawrence Y.C. Chau, DPO/TWK, said that based on the design population of 11,000 residents and the assumption that 1,800 persons would be commuting during peak hours, there would be an additional demand for 15 buses arising from the proposed PRH development. Besides, a lay-by at Tsing Yi Road abutting the proposed PRH development site had been reserved for possible expansion of the bus and minibus services in future.

7. On the provision of community facilities, Mr Lawrence Y.C. Chau, DPO/TWK, said that educational facilities were generally evenly distributed in Tsing Yi while the provision of community facilities had already met the requirements of the Hong Kong Planning Standards and Guidelines. A community hall, primary and secondary schools, market, youth and elderly centres, and other social facilities were located in the vicinity of the proposed PRH development. More community facilities could be provided in the proposed PRH development in consultation with SWD and HD. The Chairman said that KTDC was concerned that while most of the existing community facilities were located in the north-eastern part of Tsing Yi, there was less provision of community facilities in the Tsing Hung Road area and suggested that concerned departments should consider the feasibility of providing more neighbourhood facilities at the PRH site to meet the local demand.

8. On the environmental aspect, Mr Lawrence Y.C. Chau, DPO/TWK, said that no adverse air quality impact from the Tsing Yi Preliminary Treatment Works and the Petrol Filling Station in Tsing Yi Road was anticipated given that appropriate air pollution control measures had been fully adopted. Mitigation measures such as further setback of building blocks would

be proposed in case of any exceedance of relevant odour/volatile organic compounds standards during the detailed design stage of the PRH development. On potential noise impacts from traffic and the container related activities, Mr Lawrence Y.C. Chau said that Rambler Crest, with the implementation of noise mitigation measures, had already performed the function of a noise buffer for the proposed PRH development. In case of any exceedance of traffic noise, appropriate noise mitigation measures such as noise barriers, architectural fins, acoustic windows and further setback of building blocks could be implemented. DEP advised that no insurmountable noise issue was anticipated for the proposed PRH development. As for air ventilation, the Air Ventilation Assessment concluded that the proposed PRH development would have negligible impact on the wind breezeway at Tsing Yi Road (Lower) while the wind breezeway at Tsing Yi Road (Upper) would be affected partially. Disturbance to local wind condition at Cheung Ching Estate would also be noticeable. To address the issue on air ventilation, the building blocks of the proposed PRH development would be located away from Tsing Yi Road and Rambler Crest to provide two wind corridors with a width of 145m and 55m to facilitate wind penetration. The building blocks were allocated strategically with a 15m minimum separation distance, with wider corridor to be provided where possible.

9. In response to the Chairman's question on the surrounding land uses, Mr Lawrence Y.C. Chau, DPO/TWK, said that the area to the east of the PRH site was mainly developed for residential use and the area to the south was zoned "Other Specified Use" annotated "Container Related Uses" ("OU(Container Related Uses)") for parking of vehicles and storage of containers. Mr K.H. To, Principal Environmental Protection Officer (Metro Assessment), Environmental Protection Department, supplemented that the proposed PRH development site covered an area of about 4.3 ha. and there should have sufficient room to incorporate mitigation measures to minimise the air quality and noise impacts. Mr K.H. To further said that the BEA concluded that the environmental concerns could be addressed by technical measures, and at the detailed design stage, detailed environmental assessment would be carried out and further mitigation measures would be proposed.

10. A Member said that as the proposed PRH development would increase the population in Tsing Hung Road area by about 33%, the Member enquired whether the increase in demand for transport services could be met by an addition of 15 buses. Mr Lawrence Y.C. Chau, DPO/TWK, said that the additional 11,000 residents represented about 5% increase in the overall population in Tsing Yi and the additional demand for public transport services should

have been absorbed by the existing level of services. Besides, a lay-by for public transport had also been reserved at the PRH development site abutting Tsing Hung Road to cater for the future needs for public transport services. The estimated demand for public buses of 1,800 persons had taken into consideration different age groups and different times of commuting. Another Member noted from the Paper that the proposed PRH development might have environmental impact on surrounding developments and mitigation measures were required. The Member was concerned about the air circulation to Mayfair Gardens and Cheung Ching Estate to the north and north-west, and Rambler Crest also had adverse impact on the south-easterly winds, and said that it might be premature to consider the subject proposed rezoning as there were still environmental issues to be addressed. In response, Mr Lawrence Y.C. Chau said that the prevailing winds of the proposed PRH development site were north-easterly winds. While the existing drainage reserve and water works reserve at the site would pose as constraints to development, they would act as wind corridors of the south-easterly winds. As the Urban Design Guidelines with at least 30% of the site area free of building was followed, the disposition of the building blocks with a high permeability would allow penetration of winds.

11. The Chairman said that the provision of a lay-by at the proposed PRH development site might not be adequate to meet the additional population. In view of the large size of the site, consideration could be given to provide a public transport interchange at the proposed PRH site. On the concern on air quality and noise impact, the Chairman said that according to the findings of the BEA, there were no insurmountable environmental problems and the problems could be addressed by mitigation measures at the detailed design stage of the development. As for air ventilation, the Chairman noted that the south-easterly winds could continue to penetrate into the site through the "OU(Container Related Uses)" site and requested PlanD to explain to the stakeholders on this particular aspect in future consultation.

12. In response to a Member's question on the provision of emergency access for the proposed PRH development, Mr Lawrence Y.C. Chau, DPO/TWK, said that consideration had been given to connect Tsing Yi Road and Tsing Hung Road so as to provide an alternative access for the proposed PRH development. However, the proposal was dropped noting that once the roads were connected, there would have conflicts with the container vehicles along Tsing Yi Road. Mr Wilson W.S. Pang, Assistant Commissioner for Transport/Urban, TD, said that there were local distributor roads branching off from Tsing Yi Road which could provide alternative access in case of emergency.

13. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the approved Tsing Yi OZP as mentioned in paragraphs 4, 6 and 7 of the Paper and that the draft Tsing Yi OZP No. S/TY/26A at Appendix I of the Paper (to be renumbered as S/TY/27 upon exhibition) and its Notes at Appendix II of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
  - (b) adopt the revised ES at Appendix III of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for various land use zonings of the draft OZP;
  - (c) agree that the revised ES at Appendix III of the Paper was suitable for exhibition for public inspection together with the draft OZP.

[The Chairman thanked Mr Lawrence Y.C. Chau, DPO/TWK and Ms Fannie F.L. Hung, STP/TWK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

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

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/472                      Temporary Information Technology and Telecommunications Industries  
(Data Centre) and Ancillary Office for a Period of 3 Years in  
“Comprehensive Development Area (3)” zone, 1/F (Portion) and 3/F, No.  
1 Wang Wo Tsai Street, Tsuen Wan  
(MPC Paper No. A/TW/472)

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Presentation and Question Sessions

14.                      With the aid of a PowerPoint presentation, Ms M.L. Leung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary information technology and telecommunications industries (data centre) and ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as set out in paragraph 11 of the Paper. The “Comprehensive Development Area (3)” (“CDA(3)”) zone was intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. Since the approved comprehensive redevelopment at the “CDA(3)” zone would take time to be implemented, the use of the existing industrial premises for other compatible uses on a temporary basis would not jeopardise the long term implementation of the “CDA(3)” zone. The applied Information Technology and Telecommunications Industries (ITTI) use was located in a purpose-built godown building. The 2/F of the subject building was currently

used for ITTI purpose with valid planning approval whilst the 4/F to 6/F of the subject building had been converted for ITTI purpose which was always permitted at the time when the subject site was still zoned “Industrial” before rezoning to “CDA(3)” in 2010. The use under application was considered compatible with other uses within the subject building as well as the surrounding developments, and was essentially the same use under the previously approved applications (No. A/TW/424 and 456). It would generally induce less environmental and traffic impacts as compared with other industrial uses. In this regard, the Director of Environmental Protection, the Commissioner for Transport and the Director of Fire Services had no objection to/comment on the application. Since granting the previous approval, the Committee had recently approved one similar application on 2/F of the same building for similar ITTI use. Approval of the subject application was in line with the Committee’s previous decision. Approval of the applied use for a temporary period of 3 years would not affect the implementation of the “CDA(3)” zone.

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

15. A Member noted that the planning permission of the previous application (No. A/TW/456) would remain valid until 16.6.2017 and asked should the current application be approved, which of the planning permissions should be adopted. Ms M.L. Leung, STP/TWK, said that the applicant could choose to follow either planning permission and said that the current application covered an area larger than that of the previous application to include an ancillary office. The Chairman said that should the current application be approved, it would cover a longer period than the previous planning permission.

16. In response to a Member’s question, the Chairman said that in an area zoned “CDA”, all uses required planning permission from the Town Planning Board.

#### Deliberation Session

17. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.7.2018, on the terms of the application as submitted to the

Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of fire service installations and water supplies for firefighting proposals for the application premises within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2016; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that a temporary waiver for the Information Technology and Telecommunication Industries use with an area of 4,284m<sup>2</sup> (i.e. 1,762m<sup>2</sup> and 2,522m<sup>2</sup> for 1/F and 3/F respectively) for a term of 3 years commencing from 16.3.2012 and thereafter annually at the Premises was approved on 22.3.2013. However, the proposed ancillary office on 1/F with area of about 86m<sup>2</sup> is in breach of the user restriction under lease and not covered by the waiver dated 22.3.2013. If the planning application is approved by the TPB, the owner should apply to LandsD for a fresh waiver or an amendment of the existing waiver of the relevant lease condition. The waiver application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions, including inter alia, payment of waiver fee and administrative fee, as may be imposed by LandsD; and
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation. Detailed checking will

be made at plan submission stage.”

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

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting]

A/K3/562                      Proposed Shop and Services and Minor Relaxation of Plot Ratio Restriction in “Residential (Group A)” zone, G/F (portion), 4/F to 7/F, Prosperity Building, junction of Nos. 59A-61C Tung Choi Street and Nos. 6A-6E Nelson Street, Mong Kok, Kowloon  
(MPC Paper No. A/K3/562C)

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19.            The Committee noted that the applicant had requested on 6.7.2015 for deferment of the consideration of the application for two months in order to allow time to liaise with the Building Authority and other government departments on the proposed development. It was the fourth time that the applicant requested for deferment of the application.

20.            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 a maximum of two months were allowed for preparation of the submission of the further information. Since it was the fourth deferment and a total of eight months had been allowed, it was the last deferment and no further deferment would be granted.

[Mr Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/124                      Proposed Comprehensive Development for Public Rental Housing with Commercial, Government, Institution and Community Facilities, Public Open Space and Public Transport Interchange and Minor Relaxation of Non-Domestic Plot Ratio Restriction in “Comprehensive Development Area” zone and an area shown as ‘Road’, North West Kowloon Reclamation Area Site 6, Sham Shui Po, Kowloon  
  
(MPC Paper No. A/K20/124)

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21.            The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) with Townland Consultants Limited (Townland), Ove Arup & Partners Hong Kong Limited (OAP), ADI Limited (ADI), AECOM Consulting Services Limited (AECOM) and URS Hong Kong Limited (URS) as five of the consultants of the applicant. The following Members had declared interests in the item:

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| Mr K.K. Ling (Chairman),<br>as the Director of Planning                    | -    being a member of the Strategic Planning Committee and the Building Committee of HKHA   |
| Mr Martin W.C. Kwan,<br>as Chief Engineer (Works), Home Affairs Department | -    being alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Professor P.P. Ho  | -    being a member of the Building Committee of HKHA<br>-    having current business dealings with Townland, OAP and AECOM                                    |

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| Ms Julia M.K. Lau     | - being a member of the Commercial Properties Committee and Tender Committee of HKHA |
|                       | - having current business dealings with AECOM  |
| Mr Dominic K.K. Lam   | - having current business dealings with HKHA, Townland, OAP, ADI, AECOM and URS      |
| Mr Patrick H.T. Lau   | - having current business dealings with HKHA, Townland, OAP and AECOM                |
| Dr Lawrence W.C. Poon | - his wife being an employee of the Housing Department                               |

22. The Committee noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. The Committee agreed that as the interests of the Chairman, Mr Martin W.C. Kwan, Ms Julia M.K. Lau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau were direct, they should be invited to leave the meeting temporarily on the item. As the spouse of Dr Lawrence W.C. Poon was not involved in the proposed public housing development project, the Committee agreed that Dr Poon could be allowed to stay in the meeting. The Vice-chairman took over the chairmanship of the meeting at this point.

[The Chairman, Mr Martin W.C. Kwan, Ms Julia M.K. Lau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau left the meeting temporarily at this point.]

#### Presentation and Question Sessions

23. With the aid of a PowerPoint presentation, 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 comprehensive development for public rental housing with commercial, government, institution and community (GIC) facilities, public open space (POS) and public transport interchange (PTI) and minor relaxation of non-domestic plot ratio (PR) restriction;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) commented that the applicant should be advised to explore the opportunity to increase the landscape treatment around the site to further enhance the street environment, some of the areas designated for POS (e.g. walkways) should not be counted as POS, the open-air parking occupied valuable space that could be better utilised for POS, and there was room for improvement of the layout and function of the POS at the submission stage of the Landscape Master Plan;
- (d) during the first three weeks of the statutory publication period, two public comments were received. The Hong Kong and China Gas Company Limited indicated that there was an intermediate pressure pipeline in close proximity to the site while a member of the public objected to the application mainly on grounds that the proposed comprehensive development would generate wall effect which would result in significant implications on air ventilation of the district and reduction in the provision of open space and GIC facilities originally planned for the area; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed comprehensive development for public rental housing with commercial, GIC facilities, POS and PTI was generally in line with the planning intention of the “Comprehensive Development Area” zone, and compatible with the predominant residential character of the neighbourhood. It generally complied with the requirements under the Planning Brief (PB) setting out the planning and design requirements for the site on various aspects, including the major development parameters, urban design considerations, the provision of

GIC and social welfare facilities, POS, non-building area, landscaping, pedestrian circulation, carparking provision as well as the requirements for conducting the technical assessments, which was endorsed by the Committee on 13.12.2013. The proposed minor relaxation of non-domestic PR restriction from 1.5 to 1.6 could facilitate the provision of a wider range of comprehensive social welfare facilities (SWF) to serve the community in the surrounding area by placing an additional 100-place residential care home for the elderly (RCHE) within the SWF Block. Various technical assessments had been conducted by the applicant to demonstrate that the proposed development and minor relaxation of non-domestic PR restriction would not bring about adverse environmental, traffic and sewerage impacts on the surrounding areas.

24. A Member said that, given the increase in population to be brought about by the proposed development, an Integrated Family Services Centre (IFSC) might be required. Mr Philip Y.L. Chum, STP/TWK, confirmed that the PB endorsed by the Committee in 2013 did not include an IFSC and the current application was to include a RCHE in the proposed development. The Chairman said that the request for an IFSC should be conveyed to the Social Welfare Department (SWD) for their consideration.

#### Deliberation Session

25. Members generally considered the proposed development, with minor relaxation of non-domestic PR acceptable. With regard to the provision of an IFSC, the Secretary suggested and Members agreed that PlanD be requested to examine the current provision of IFSC in Sham Shui Po and report to the Committee. 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 17.7.2019, 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) for the development scheme to incorporate the approval conditions as stipulated in conditions (b) to (i) below to the satisfaction of the Director of Planning or of

- the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
  - (c) the design and provision of water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
  - (d) the design and provision of vehicular access, public transport interchange, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
  - (e) the design and provision of footbridge connections with the proposed footbridges at the junctions of Sham Mong Road/Hing Wah Street West and Sham Mong Road/Tonkin Street West, the planned long span footbridge over West Kowloon Highway and the planned footbridge across Sham Mong Road to the satisfaction of the Commissioner for Transport or of the TPB;
  - (f) the design and provision of the social welfare facilities, as proposed by the applicant, to the satisfaction of the Director of Social Welfare or of the TPB;
  - (g) the design and provision of the sports centre and public library facilities, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
  - (h) the design and provision of open space of not less than 0.15 hectare for the reprovisioning of a 5-a-side soccer pitch with any associated landscaped area, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and
  - (i) the provision of a kindergarten, as proposed by the applicant, to the satisfaction of the Secretary for Education or of the TPB.”

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

- “(a) 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 the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to note the advice of the Director of Fire Services that the requirements of emergency vehicular access stipulated in the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Building Authority shall be observed;
- (c) to note the advice of the Director of Electrical and Mechanical Services that the possibility of existence of underground cable/overhead line, the existence and location of an existing/planned intermediate pressure town gas pipeline running across Hing Wah Street West in close vicinity to the proposed development, minimum set back distance away from the gas pipelines/gas installations and the requirements of the Electrical and Mechanical Services Department’s “Code of Practice on Avoiding Danger from Gas Pipes” shall be observed; and
- (d) the approval of the application does 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 will be approved/granted by the Independent Checking Unit (ICU). The applicant should approach the ICU direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the ICU and major changes to the current scheme are required, a fresh planning application to the TPB may be required.”

[The meeting was adjourned for a break of five minutes.]

[The Chairman, Mr Martin W.C. Kwan, Ms Julia M.K. Lau and Mr Dominic K.K. Lam returned to join the meeting at this point. Mr H.W. Cheung left the meeting temporarily at this point.]

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/765                      Shop and Services in “Other Specified Uses” annotated “Business(2)” zone, Workshop C2 (Portion), G/F, Block C, Hong Kong Industrial Centre, Nos. 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/765)

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

27.                      With the aid of a PowerPoint presentation, 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;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Sham Shui Po), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “OU(Business)” (“OU(B)”) zone was intended for general business uses. It allowed for greater flexibility in the use of existing industrial or industrial-office buildings provided that the use would not result in adverse

fire safety and environmental impacts. The use under application was considered generally in line with the planning intention of the “OU(B)” zone and was not incompatible with the other uses of the subject industrial building which predominantly comprised showrooms on G/F and offices related to industrial/trading firms on the upper floors. It complied with the Town Planning Board Guidelines for Development within “OU(B)” zone (TPB PG-No. 22D) in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the uses within the subject building and the adjacent area. The Director of Fire Services had no objection to the application as should the subject application be approved, the aggregate commercial floor area on the G/F of the subject industrial building with sprinkler system would be within the maximum permissible limit of 460 m<sup>2</sup>. Other government departments consulted had no objection to or no adverse comment on the application. Should the application be approved by the Committee, no time clause for commencement of the development was proposed as the premises was already used for shop and services.

28. Members had no question on the application.

#### Deliberation Session

29. 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 fire service installations and equipment in the subject premises and means of escape completely separated from the industrial portion, within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2016; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of cancellation of the existing waiver and fresh temporary waiver for the use under application;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that under Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation; and
- (d) to note the comments of the Director of Food and Environmental Hygiene for obtaining requisite licence for operating food business (if any) in the subject premises.”

[Mr Patrick H.T. Lau returned to join the meeting at this point.]

### **Agenda Items 8 and 9**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/766                      Proposed Shop and Services (Local Provisions Store and/or Fast Food Counter) in “Other Specified Uses” annotated “Business(2)” zone, Workshops A7(Portion) and A8(Portion), G/F, Block A, Hong Kong Industrial Centre, Nos. 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon

(MPC Paper No. A/K5/766)

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A/K5/767 Proposed Shop and Services in “Other Specified Uses” annotated “Business(2)” zone, Workshop A8 (Portion), G/F, Block A, Hong Kong Industrial Centre, Nos. 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/767)

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31. The Committee noted that the two applications were similar in nature and the premises were adjoining each other within the same “Other Specified Uses” annotated “Business(2)” zone. The Committee agreed that the applications should be considered together.

32. The Secretary reported that replacement page 6 of the Paper for application No. A/K5/767, which was tabled at the meeting, was to incorporate the latest comments of the District Lands Officer/Kowloon West, Lands Department.

#### Presentation and Question Sessions

33. With the aid of a PowerPoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed shop and services (at each of the premises) (local provisions store and/or fast food counter for Application No. A/K5/766);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, one public comment on each of the applications from the same member of the public was received. The public comment objected to the applications on grounds that the conversion of the workshops on the G/F for shop and services use would have adverse impacts on the subject industrial building; and

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. The “OU(Business)” (“OU(B)”) zone was intended for general business uses. It allowed for greater flexibility in the use of existing industrial or industrial-office buildings provided that the use would not result in adverse fire safety and environmental impacts. The use under the applications was considered generally in line with the planning intention of the “OU(B)” zone and was not incompatible with the other uses of the subject industrial building which comprised predominantly showrooms on G/F and offices related to industrial/trading firms on the upper floors. It complied with the Town Planning Board Guidelines for Development within “OU(B)” zone (TPB PG-No. 22D) 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. Government departments consulted had no objection to or no adverse comment on the application. The Director of Fire Services had no objection to the applications as should the two subject applications be approved, the aggregate commercial floor area on the G/F of the subject industrial building with sprinkler system would be within the maximum permissible limit of 460 m<sup>2</sup>. Regarding the public comment objecting to the applications, it was noted that concerned government departments had no objection to or no adverse comment on the applications.

34. Members had no question on the application.

#### Deliberation Session

35. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 17.7.2017, 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 submission and implementation of fire safety measures, including the provision of fire service installations and equipment in the subject premises

and means of escape completely separated from the industrial portion, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and

- (b) if the above planning condition is not complied with before operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

For application No. A/K5/766

- “(a) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of cancellation of the existing waiver and fresh temporary waiver for the proposed uses;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
  - (i) under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation;
  - (ii) if the proposed uses are subject to the issue of a licence, the applicant is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
  - (iii) the applicant would ensure that adequate sanitary fitments, which shall comply with the relevant regulations, are provided for the subject premises or other area within the affected workshop; and
- (c) to note the comments of the Director of Food and Environmental Hygiene for

obtaining requisite licence for operating food business (if any) in the subject premises.”

For application No. A/K5/767

- “(a) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of cancellation of the existing waiver and fresh temporary waiver for the proposed uses;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
- (i) under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation; and
- (ii) the applicant would ensure that adequate sanitary fitments, which shall comply with the relevant regulations, are provided for the subject premises or other area within the affected workshop; and
- (c) to note the comments of the Director of Food and Environmental Hygiene for obtaining requisite licence for operating food business (if any) in the subject premises.”

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

**Agenda Item 10**

Section 16 Application

[Open Meeting]

A/TY/127 Proposed Temporary Concrete Batching Plant for a Period of 5 Years partly in “Other Specified Uses” annotated “Boatyard and Marine-oriented Industrial Uses” zone and partly outside the Outline Zoning Plan Scheme Boundary, Tam Kon Shan Road, Tsing Yi Town Lots No. 14 and 15 and Adjoining Government Land, Tsing Yi, New Territories  
(MPC Paper No. A/TY/127B)

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37. The Secretary reported that AECOM Asia Company Limited (AECOM), LLA Consultancy Limited (LLA) and BMT Asia Pacific Limited (BMT) were three of the consultants of the applicant. The following Members had declared interests in the item:

- Professor P.P. Ho - having current business dealings with AECOM
- Ms Julia M.K. Lau - having current business dealings with AECOM
- Mr Dominic K.K. Lam - having current business dealings with AECOM, LLA and BMT
- Mr Patrick H.T. Lau - having current business dealings with AECOM, LLA and BMT

38. The Committee noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. As Ms Julia M.K. Lau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

39. The Committee noted that the applicant requested on 6.7.2015 for deferment of the consideration of the application for two months in order to allow sufficient time for preparation of further information and technical clarifications in response to the comments of the Transport Department, the Environmental Protection Department and the Marine Department. This was the third time that the applicant requested for deferment of the application.

40. 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 a maximum of two months were allowed for preparation of the submission of the further information. Since it was the third deferment of the application, the applicant should be advised that the Committee had allowed a total of six months for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Hong Kong District**

#### **Agenda Item 11**

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

[Open Meeting]

A/H1/99                      Proposed Hotel in "Residential (Group A)" zone, 1B-1C Davis Street,  
Kennedy Town, Hong Kong  
(MPC Paper No. A/H1/99)

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41.            The Secretary reported that Townland Consultants Limited (Townland) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests in the item:

- Professor P.P. Ho            - having current business dealings with Townland
  
- Ms Julia M.K. Lau            - having current business dealings with MVA
  
- Mr Dominic K.K. Lam        - having current business dealings with Townland and  
MVA
  
- Mr Patrick H.T. Lau         - having current business dealings with Townland and  
MVA

42. The Committee noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. As Ms Julia M.K. Lau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

43. The Committee noted that the applicant requested on 9.7.2015 for deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to liaise with and address the comments of the Transport Department. This was the first time that the applicant requested for deferment of the application.

44. 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.

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting]

A/H8/425                      Proposed Minor Relaxation of Building Height Restriction from 120 mPD to 126 mPD for Commercial Development in "Commercial/Residential" zone, 704-730 King's Road and 201-227 Tsz Mui Road, Quarry Bay, Hong Kong  
(MPC Paper No. A/H8/425A)

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45. The Secretary reported that Kenneth To & Associates Limited (KTA), Environ Hong Kong Limited (Environ) and Ove Arup & Partners Hong Kong Limited (OAP) were the consultants of the applicant. The following Members had declared interests in the item:

- Professor P.P. Ho - having current business dealings with OAP
- Ms Julia M.K. Lau - having current business dealings with Environ
- Mr Dominic K.K. Lam - having current business dealings with KTA, Environ and OAP
- Mr Patrick H.T. Lau - having current business dealings with KTA and OAP

46. The Committee noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. As Ms Julia M.K. Lau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

47. The Committee noted that the applicant requested on 9.7.2015 for deferment of the consideration of the application for one month in order to allow time for the applicant to submit clarifications to address departmental comments. This was the second time that the applicant requested for deferment of the application.

48. 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 a maximum of one month was allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the applicant should be advised that the Committee had allowed a total of three months for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

**Agenda Item 13**

Section 16 Application

[Open Meeting]

A/H9/75                      Proposed Hospital in “Other Specified Uses” annotated “Business (1)”  
zone, 3 A Kung Ngam Village Road, Shau Kei Wan, Hong Kong  
(MPC Paper No. A/H9/75)

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49.            The Secretary reported that Townland Consultants Limited (Townland), MVA Hong Kong Limited (MVA) and Ove Arup & Partners Hong Kong Limited (OAP) were three of the consultants of the applicant.    The following Members had declared interests in the item:

Professor P.P. Ho            - having current business dealings with Townland and  
OAP

Ms Julia M.K. Lau            - having current business dealings with MVA

Mr Dominic K.K. Lam        - having current business dealings with Townland, MVA  
and OAP

Mr Patrick H.T. Lau         - having current business dealings with Townland, MVA  
and OAP

50.            The Committee noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting.    As Ms Julia M.K. Lau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

51.            The Committee noted that the applicant requested on 2.7.2015 for deferment of the consideration of the application for two months in order to allow time to address the comments of relevant government departments.    This was the first time that the applicant requested for deferment of the application.

52. 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 Jessica K.T. Lee, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/135                      Proposed Social Welfare Facility (Child Care Centre) in "Other Specified Uses" annotated "Beach Related Leisure Use" zone, Shop 2, Basement 1, The Pulse, 28 Beach Road, Repulse Bay, Hong Kong  
(MPC Paper No. A/H17/135A)

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53. The Secretary reported that Ove Arup & Partners Hong Kong Limited (OAP) and Parsons Brinckerhoff (Asia) Limited (PB) were two of the consultants of the applicant. The following Members had declared interests in the item:

Professor P.P. Ho                      - having current business dealings with OAP

Mr Dominic K.K. Lam                      - having current business dealings with OAP and PB

Mr Patrick H.T. Lau                      - having current business dealings with OAP

54. The Committee noted that Professor P.P. Ho had tendered apologies for being

unable to attend the meeting. As Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

### Presentation and Question Sessions

55. With the aid of a PowerPoint presentation, Ms Jessica K.T. Lee, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed social welfare facility (child care centre);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, two public comments objecting to the application were received. The main grounds of the objections were that Repulse Bay was a world known tourist sightseeing area and the beach provided recreational facilities for all Hong Kong people. The subject building should serve the tourists and local swimmers and be restricted to retail and related use, and the proposed use was considered inappropriate. The traffic in the Repulse Bay area in general and Beach Road was very busy, and adverse traffic impact arising from the proposed use was anticipated. A planning application for a proposed school in a nearby building was rejected; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The planning intention of the “Other Specified Uses” annotated “Beach Related Leisure Use” zone was intended to enhance the role of Repulse Bay as a recreational and tourism district, as well as maintaining the existing beach related character of the developments. The subject building was commercial in nature with a number of shops, restaurants, supermarket and recreational

facilities. The subject premises was currently offering playgroups (parent-accompanied) and music classes. The proposed child care centre was therefore considered not incompatible with the planning intention and the other uses within the same building. In addition, the commercial building within which the subject premises was located was accessible via Beach Road. The applicant had undertaken a Traffic Impact Assessment (TIA) to demonstrate that the proposed child care centre would not induce adverse traffic impact to the surrounding road network. The applicant had also proposed traffic control measures which included scheduling classes to different time slots to avoid clashing with the lunch peak and a mandatory policy, i.e. private car (including taxi) and mini-van(s) were only permitted to pick-up and drop-off students at the designated car parking spaces inside the subject building where more than 20 car parking spaces had been reserved for the exclusive use of the proposed child care centre. The Commissioner for Transport had no adverse comment on the application subject to the effective implementation of the proposed traffic control measures. Should the application be approved, approval conditions on the proposed traffic control measures were recommended to be imposed in the planning permission. Regarding the public comments objecting to the proposed development, the planning assessments in paragraph 10 of the Paper were relevant. The application for proposed kindergarten in the vicinity quoted by the commenter was larger in scale than the current proposed development and it was rejected on grounds that the applicant had not provided internal transport facilities and a TIA with mitigation measures.

56. In response to a Member's question on the traffic arrangements, Ms Jessica K.T. Lee, STP/HK, said that vehicular access to the subject commercial building was provided on Beach Road and the Transport Department (TD) had no adverse comment on the TIA submitted by the applicant. To minimise the traffic impact on Beach Road, the applicant had proposed some traffic control measures, including the scheduling of class sessions to avoid clashing with the lunch peak due to picking up/dropping off activities of the tourist coaches, designation of more than 20 parking spaces at Basement 3 of the subject building for the exclusive use of the proposed child care centre, and that parents would be required to sign an agreement at time of admission to use the designated car parks for picking/up and dropping off. Violation of such

policy would result in dismissal of student's place.

[Dr Wilton W.T. Fok left the meeting at this point.]

57. In response to a Member's question on the provision of child care centres in the area, Ms Jessica K.T. Lee, STP/HK, said that a child care centre in the vicinity of the subject building was expected to open in September 2015. The Chairman said that in Repulse Bay, which was a low-density residential area, there were few sites zoned "Government, Institution or Community" and child care centres were usually provided in commercial buildings. The use of commercial premises for child care centres should be considered on a case-by-case basis, taking into consideration the scale of operation and the impact that might be generated by the use.

58. A Member asked whether the TIA had assessed the traffic impact under the worst-case scenario where the picking up/dropping off activities were conducted on Beach Road and not inside the building. Ms Jessica K.T. Lee said that apart from the traffic control measures mentioned above, the staff of the proposed child care centre would stand guard at Beach Road to guide the vehicles to the designated pick up and drop off zone within the building. The offer of a 15-minute free parking at the subject building would also encourage parents to follow the picking up/dropping off arrangements. The Secretary supplemented that TD had no objection to the application subject to the effective implementation of the proposed traffic control measures and suggested that suitable approval conditions, including a revocation clause, should be imposed to ensure such implementation. The Committee noted that the relevant approval conditions on the implementation of the traffic control measures and a revocation clause had been proposed by PlanD should the application be approved.

#### Deliberation Session

59. A Member said that a nursery school with 120 students at Jardine's Lookout with on-street picking-up and dropping-off activities had caused significant traffic problems in Moorsom Road and Chun Fai Road. In the subject application, Beach Road was a narrow one-way road with the highest traffic volume in summer. As it was uncertain whether the traffic control measures proposed by the applicant could be effectively implemented, the Member said that the application should be considered based on the worst traffic scenario.

60. A Member said that the subject premises, which was located within a commercial complex close to the beach, should be used to provide beach-related services and the use of the premises for a child care centre might only be considered if there was a shortfall in the provision of child care facilities in the area. Unless information in the demand for and the provision of such facilities be available, the Committee should consider deferring a consideration of the application.

[Ms Bonnie J.Y. Chan arrived to join the meeting at this point.]

61. A Member said that consideration could be given to approve the application if there was no significant impact on the provision of services for the beach uses. Information on the current provision of child care facilities in the area would also help to facilitate consideration of the application. In response, Ms Jessica K.T. Lee, STP/HK, said that the subject premises was already being used for children's play groups and music classes and the application was for the inclusion of a child care centre at the premises. She further said that 6 applications for kindergarten or kindergarten-cum-child care centre in a nearby commercial complex had been approved by the Committee, of which, the application for a kindergarten and child care centre approved in 2008 was similar in nature to the current application with a designated car park at the ground floor, though it was larger in scale and had more students. One application for kindergarten was rejected by the Committee in 2013 for the reasons that no TIA and details of transport facilities had been submitted by the applicant.

62. Mr Wilson W.S. Pang, Assistant Commissioner for Transport/Urban, TD, said that the TIA had demonstrated that Beach Road had spare capacity for the additional traffic to be generated from the proposed child care centre, the traffic control measures proposed by the applicant were feasible if effectively implemented, and there was sufficient room at Basement 3 for holding the queuing vehicles which would not tail back to Beach Road. Hence, minimal traffic impact was anticipated.

63. A Member said that there were already restaurants and shops in the subject commercial complex serving visitors. In view that there was already an existing play group at the subject premises serving nearby residents, it was not anticipated that the addition of a child care centre would generate significant adverse impacts and the application could be supported.

64. The Chairman said that the scale of the proposed child care centre was not large, the implementation of the traffic control measures proposed by the applicant could be monitored by the suggested approval conditions and considered that the application could be supported. The Chairman also remarked that for future similar applications in the area, PlanD should explain to the Committee the planning intention for uses in the area and how to strike a balance between commercial functions to serve beach users and the proposed use under application.

65. 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 17.7.2019, 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 provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the class slots and pick up/drop off schedule of the child care centre should not clash with the lunch peak due to pick up/drop off activities of the coaches, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the implementation of the traffic control measures including ‘re-scheduled child care centre operation hours’ and ‘pick up/drop off at designated car parking spaces’, as proposed by the applicant, during the child care centre operation period to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) if any of the above planning conditions (b) or (c) is not complied with during the child care centre operation period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) the approval of the application does not imply any compliance with the

Buildings Ordinance (BO) and Regulations. The applicant may appoint an Authorised Person to submit building plans to the Buildings Department (BD) for approval in accordance with the requirements of the BO;

- (b) to note the comments of the District Lands Officer/Hong Kong West & South, Lands Department (LandsD) in paragraph 8.1.1 of the Paper in respect of the need for application to LandsD to implement the proposal;
- (c) to note the comments of the Director of Social Welfare in paragraph 8.1.4 of the Paper in respect of registration and licensing of the child care centre; and
- (d) to note the comments of the Chief Building Surveyor/Hong Kong West, BD in paragraph 8.1.5 of the Paper in respect of the building design requirement for the proposed child care centre.”

[The Chairman thanked Ms Jessica K.T. Lee, STP/HK, 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 Karen F.Y. Lam, Town Planner/Kowloon (TP/K), were invited to the meeting at this point.]

### **Kowloon District**

#### **Agenda Item 15**

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of the Draft Planning Brief for the “Comprehensive Development Area” Site in Diamond Hill

(MPC Paper No. 10/15)

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67. The Secretary reported that on 8.5.2015, the draft Planning Brief (PB) for a proposed public housing development at the “Comprehensive Development Area” (“CDA”) site in Diamond Hill was considered by the Committee. Members with direct interests, including

those who were members of the Hong Kong Housing Authority (HKHA) or its committees, or had business dealings with HKHA, were invited to leave the meeting temporarily. However, having further examined the procedure and practice adopted by the Town Planning Board (the Board), the consideration of the PB could be considered as forming part of the plan-making process. The Secretary suggested that in future consideration of PB prepared for HKHA's public housing developments, it was only required to record the interests of the concerned Members and they could be allowed to stay in the meeting. The Chairman supplemented that in consideration of planning applications submitted by HKHA, Members with direct interests should still be required to leave the meeting temporarily. Members agreed that the proposed arrangement should be adopted.

68. The Committee noted that the following Members had declared interests in the item:

- |   |   |  |
|---|---|--|
| Mr K.K. Ling (Chairman),<br>as the Director of Planning                       | - | being a member of the Strategic Planning Committee and the Building Committee of HKHA  |
| Mr Martin W.C. Kwan,<br>as Chief Engineer (Works), Home<br>Affairs Department | - | being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Professor P.P. Ho   | - | being a member of the Building Committee of HKHA   |
| Ms Julia M.K. Lau   | - | being a member of the Commercial Properties Committee and Tender Committee of HKHA   |
| Mr Dominic K.K. Lam   | - | having current business dealings with HKHA   |
| Mr Patrick H.T. Lau   | - | having current business dealings with HKHA   |

Dr Lawrence W.C. Poon - his wife being an employee of the Housing Department

69. The Committee noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. The Committee noted that according to the procedure and practice adopted by the Board, as the further consideration of the PB formed part of the plan-making process, it was only needed to record the interests of the Chairman, Mr Martin W.C. Kwan, Ms Julia M.K. Lau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau and they could be allowed to stay in the meeting. As the spouse of Dr Lawrence W.C. Poon was not involved in the proposed public housing development project, the Committee agreed that Dr Lawrence W. C. Poon could be allowed to stay in the meeting.

#### Presentation and Question Sessions

70. With the aid of a PowerPoint presentation, Mr Tom C.K. Yip, DPO/K, presented the results of the consultation with the Wong Tai Sin District Council (WTSDC) as detailed in the Paper and covered the following main points :

#### Background

- (a) on 8.5.2015, the Committee considered the draft PB for a public housing development, including a public rental housing development and Home Ownership Scheme with commercial, government, institution and community facilities, religious facilities, a public transport interchange (PTI) with landscaped area in an area zoned “CDA” on the approved Tsz Wan Shan, San Po Kong and Diamond Hill Outline Zoning Plan (OZP) No. S/K/11/27. The Committee agreed that the draft PB was suitable for consultation with the WTSDC;
- (b) the WTSDC was consulted on the draft PB on 19.5.2015;

#### The WTSDC’s views on the draft PB

- (c) the WTSDC generally supported the draft PB. The following comments from members and the East Kowloon District Residents' Committee (EKDRC) were raised at the meeting:
- (i) the development density for the site was very high and members opposed any further increase in the development intensity on traffic and environmental grounds. There was also query on the increase in PR from 7.3 in the previous conceptual proposal presented by the Housing Department (HD) at the WTSDC meeting on 8.7.2014 to PR 7.7 in the current proposal;
  - (ii) in order to improve air ventilation in the surrounding areas, the number of main air paths within the site should increase from 3 to 5, as indicated in the previous conceptual proposal;
  - (iii) taking advantage of the proximity to the MTR station and the San Po Kong Business Area, opportunities for provision of underground shopping facilities should be considered;
  - (iv) more vehicle parking spaces should be provided at the site to meet the parking demand of new developments and address the existing shortfall in the district. Transport improvement measures, such as widening of Choi Hung Road, should be considered to meet the long-term traffic need of the district. Utilisation of underground space for provision of car parking was suggested;
  - (v) the exact location of the proposed kindergarten and wet market was unknown; and
  - (vi) the site had been left idle for a long time. The implementation programme of the site was queried.

- (d) the slight increase in PR from 7.3 to 7.7 was mainly due to technical amendments involving inclusion of certain common areas which might not be exempted from gross floor area calculation under the Buildings Ordinance, and would not result in any increase in the proposed flat number (i.e. 4,050 units). On the possibility of further increase in development intensity, the maximum PR of 7.7 for the proposed public housing development was considered optimal having regard to various restrictions/requirements such as stepped building height profile, site constraints (road/railway and drainage reserves), air paths, visual corridor and preservation of historic buildings/structures as well as traffic and infrastructural constraints;
- (e) according to the Air Ventilation Assessment for the area carried out by the Planning Department (PlanD) in 2008, it was recommended that 3 air paths within the site should be preserved to facilitate air ventilation with the adjoining areas. Being connected with major streets and open space, they were more effective in air ventilation terms. While HD's previous conceptual proposal had indicated 2 more air paths between the building blocks, they would be subject to the actual design. To allow flexibility, the location of those further air paths between buildings was not specified in the draft PB. However, the draft PB had specified the requirement to provide additional air paths upon more detailed design at the Master Layout Plan submission stage;
- (f) regarding the suggestion to provide large-scale underground shopping facilities, HD's retail study had indicated that it was not viable to provide underground shopping street extending to Kai Tak. However, HD would further study the scope for increasing the provision of retail facilities within the site at the detailed design stage;
- (g) as stipulated in the draft PB, sufficient ancillary parking facilities would be provided for the proposed developments in accordance with the Hong Kong Planning Standards and Guidelines and the requirements of the Transport Department (TD). A Traffic Impact Assessment (TIA) would be conducted by HD at the MLP submission stage. Actual parking provision would be

considered by HD subject to the findings of the TIA and in consultation with TD. Regarding the widening of Choi Hung Road, the southern boundary of the site had been setback to provide space for future widening of the road;

- (h) the proposed kindergarten and wet market would be provided on the ground floor level of the proposed public housing development. The exact location of those facilities would be identified at the detailed design stage; and
- (i) according to HD's tentative programme, the site would be developed in phases. The construction of the first phase development was scheduled to commence in 2016 for completion in 2020/21 and 2022/23;

#### PlanD's Views

- (j) no amendment to the draft PB was necessary.

71. A Member said that the view of the northern side of the site (facing Nan Lian Garden and Chi Lin Nunnery) were better than the view on the southern side of the site (facing mainly an industrial area) and the landscaping in the southern side of the site should be enhanced in the detailed design stage of the development. It was considered that an improved landscape treatment of the site could help in the revitalisation of the industrial area to the south. The Chairman remarked that the Member's views would be conveyed to HD for their consideration in the preparation of a Master Layout Plan for the development.

72. A Member questioned why the proposed public housing development was separated from the proposed PTI by the proposed religious use and said that further consideration to the layout, particularly the proposed religious use and the PTI, should be given at the detailed design stage to improve the visual linkage connecting the site to Chi Lin Nunnery and Nan Lian Garden to the north. The Chairman said that the PTI was proposed at the location taking into account the constraint imposed by a proposed flyover. The Committee agreed that HD should be advised to improve the visual connection of the development with surrounding uses at the detailed design stage.

#### Deliberation Session

73. After deliberation, the Committee decided to :
- (a) note the views of WTSDC and EKDRC as summarised in paragraph 3 and detailed in Appendices IV and V respectively of the Paper and PlanD's responses as summarised in paragraph 4 of the Paper; and
  - (b) endorse the draft PB at Appendix I of the Paper.

[Mr Clarence W.C. Leung left the meeting at this point.]

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/221            Proposed Shop and Services (Fast Food Shop) in "Other Specified Uses" annotated "Business" zone, Workshop No.2, Ground Floor, Laurels Industrial Centre, No.32 Tai Yau Street, San Po Kong, Kowloon  
(MPC Paper No. A/K11/221)

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

74. With the aid of a PowerPoint presentation, Ms Karen F.Y. Lam, TP/K, presented the application and covered the following aspects as detailed in the Paper :
- (a) background to the application;
  - (b) the proposed shop and services (fast food shop);
  - (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from the Incorporated Owners of the subject building objecting to the application was received. The main ground of the objection was that the proposed use was in breach of the deed of mutual covenant (DMC) of the building that might affect the insurance of the building; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone was for general business uses. It allowed greater flexibility in the use of existing industrial buildings for both commercial and clean industrial uses. The proposed fast food shop use was considered generally in line with the planning intention of the “OU(B)” zone, and not incompatible with the uses in the same and surrounding buildings, which mainly included workshops, warehouses and offices. Similar applications for ‘Shop and Services’ use had been approved for the G/F units of the other industrial and industrial-office buildings in the San Po Kong Business Area. The subject building was protected by a sprinkler system and the limit on the aggregate commercial gross floor area on the G/F of industrial building did not apply to the proposed use. The proposed use in general complied with the Town Planning Board Guidelines for Development within the “OU(B)” zone (TPB PG-No.22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. Regarding the public comment that the proposed fast food shop use was in breach of the DMC, the issue should be sorted out between the owners of the buildings separately. An appropriate advisory clause was proposed to advise the applicant to take note of the restriction of the DMC and consult other owners of the building to address their concerns; to submit building plans for the proposed change in use; and to apply for lease modification/waiver for the proposed use.

75. In response to a Member's question, Mr Tom C.K.Yip, DPO/K, said that the premises was currently used as an eating place which was a breach of the lease conditions and the Lands Department had carried out lease enforcement action against the use. The subject

application was for a fast food shop, and the applicant had indicated that no seats would be provided inside the premises.

[Mr Patrick H.T. Lau left the meeting at this point.]

#### Deliberation Session

76. 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 17.7.2017, 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 the proposal of the fire safety measures, including the provision of fire service installations in the application premises, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to take note of the restriction of the Deed of Mutual Covenant of the subject building and consult other owners of the building with a view to addressing their concerns on the proposed ‘Shop and Services (Fast Food Shop)’ use at the application premises;
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the proposed ‘Shop and Services (Fast Food Shop)’ use at the application premises;
- (c) to note the comments of the Director of Fire Services that the ‘Shop and

Services (Fast Food Shop)' use under application shall only be licensed as "food factory" or "factory canteen", and to observe the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and

- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) to appoint an Authorised Person and a Registered Structural Engineer to prepare and submit building plans for the proposed change in use/alterations and additions works to demonstrate compliance with the current provisions of the Buildings Ordinance (BO), in particular:
  - (i) the provision of adequate means of escape for the application premises in accordance with Building (Planning) Regulations (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
  - (ii) the application premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code;
  - (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;
  - (iv) to observe the licensing requirements imposed by the relevant licensing authority;
  - (v) for unauthorised building works (UBW) erected on private land/buildings, enforcement action may be taken by the Building Authority (BA) to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the application premises under the BO; and
  - (vi) to note the Practice Note for Authorised Persons, Registered Structural

Engineers and Registered Geotechnical Engineers PNAP APP-47 that the BA has no powers to give retrospective approval or consent for any UBW.”

[The Chairman thanked Mr Tom C.K.Yip, DPO/K and Ms Karen F.Y. Lam, TP/K, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

[Ms S.H. Lam, Senior Town Planner/Kowloon (STP/K) was invited to the meeting at this point.]

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/314            Proposed Minor Relaxation of Building Height Restriction (from 5 storeys to 7 storeys) for a proposed School Building in “Government, Institution or Community (4)” zone, 8 Dumbarton Road, Kowloon City, Kowloon  
(MPC Paper No. A/K18/314)

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

78.            With the aid of a PowerPoint presentation, Ms S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height (BH) restriction from 5 storeys to 7 storeys for a proposed school building;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The concerned government bureau and departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of 192 public comments, including 188 supporting comments from the Munsung College Alumni Association, Munsung College Parent Teacher Association, the Swatow Christian Church, students, parents and alumni of Munsang College, Munsang College Primary School and Munsang College Kindergarten and individual members of the public, two objecting comments and two not providing any views, were received. The main ground of supporting the application was that the proposed development would create long-term benefit for the education of students of the current and future generations of Munsang College. The proposal not only could upgrade the aging buildings, provide more facilities and enhance the overall learning environment, it could also allow the school to better organise classrooms and program schedules for all three schools on the campus. While the overall student population would remain the same, the new Block E would house a new indoor swimming pool and a few multi-purpose rooms to fundamentally ease the burden of existing administrators and enable the school to better serve their stakeholders and the redevelopment could meet the needs of the students and the school without creating environmental, traffic, visual and air ventilation impacts on the surroundings. The main ground of objection to the application was that the proposed redevelopment would require several years for construction. During the construction period, the students' use of the current classrooms and facilities would be affected. There was no urgent need for redevelopment. The school could change the use of the building instead, or to redevelop the assembly hall. If student population was increased after redevelopment, there were concerns about the adverse traffic impact on the nearby roads and road safety of students.
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed increase of building height from 5 to 7 storeys (from 36.7mPD to 46.2mPD) constituted an increase in height by 40%, the extent of height relaxation sought was not substantial and the application should be assessed on its merits and impacts on the surrounding areas. The site was within the existing Munsang College campus which consisted of school buildings

ranging from 3 to 9 storeys (35.8mPD to 49.7mPD). The college was surrounded mainly by medium to high-rise government/institution/community (GIC) and residential buildings from about 35mPD to 70mPD. The proposed increase of 2 storeys was unlikely to cause significant adverse visual impacts on the surroundings. It was noted that school buildings usually had 8 storeys. The proposed development was not incompatible with the existing urban landscape character dominated by schools and GIC uses. An approval condition requiring the submission and implementation of a landscape proposal was suggested should the application be approved. The proposal had a merit of better utilisation of limited resources in the urban area to provide more educational facilities for a non-profit making school. The applicant indicated that landscaping opportunities would be provided for the benefit of the school and the surrounding areas, and the new indoor swimming pool would be open for community use at scheduled time and with nominal fees. There would not be increase in student population, and the proposed development would unlikely result in additional traffic impact. Regarding the adverse public comments on visual, traffic and road safety aspects, the above views were relevant.

79. In response to a Member's question, Ms S.H. Lam, STP/K, said that the Education Regulation had stipulated the maximum building height of 24 m for school development mainly for fire safety reasons. Any school development exceeding 24 m in height should seek the agreement of the Secretary for Education and the Director of Fire Services. A Member supplemented that the 24 m height requirement was applicable only to buildings providing educational facilities.

#### Deliberation Session

80. 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 17.7.2019, 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 provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that an Authorised Person and a Registered Structural Engineer should be appointed to prepare and submit plans for the building/alterations and additions works with respect to the proposed building to BD to demonstrate compliance with the Buildings Ordinance (BO), and to note that for unauthorised building works (UBW) erected on private land/buildings, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. Planning permission granted should not be construed as an acceptance of any existing building works or unauthorised building works under the BO;
- (b) to note the comments of the Director of Fire Services to observe the requirements of emergency vehicular access as stipulated in the Code of Practice for Fire Safety in Building 2011 administered by BD, and to observe the relevant requirements in accordance with the Education Ordinance/Regulations in particular to the height restriction;
- (c) to note the comments of the District Lands Officer/Kowloon East, Lands Department on the indoor swimming pool and to apply for temporary waiver of the lease restriction or lease modification for the proposed Block E and/or the proposal to open the indoor swimming pool for community use at scheduled time and at nominal fee;
- (d) to note the comments of the Education Bureau regarding compliance with statutory requirements of the Education Regulations; and

- (e) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that all planting should be in the ground of fixed planters.”

[The Chairman thanked Ms S.H. Lam, STP/K, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

**Agenda Item 18**

Any Other Business

- 82. There being no other business, the meeting closed at 12:10 p.m..