

**TOWN PLANNING BOARD**

**Minutes of 590<sup>th</sup> Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 13.10.2017**

**Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Dr Wilton W.T. Fok

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Ms Sandy H.Y. Wong

Mr Franklin Yu

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 Tony W.H. Cheung

Assistant Director (Regional 1), Lands Department  
Mr Simon S.W. Wang

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Mr Lincoln L.H. Huang

Vice-chairman

Mr Sunny L.K. Ho

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Professor T.S. Liu

**In Attendance**

Assistant Director of Planning/Board  
Mr W.S. Lau

Chief Town Planner/Town Planning Board  
Mr Kepler S.Y. Yuen

Town Planner/Town Planning Board  
Miss Gloria Y.L. Sze

**Agenda Item 1**

Confirmation of the Draft Minutes of the 589<sup>th</sup> MPC Meeting held on 22.9.2017

[Open Meeting]

1. The draft minutes of the 589<sup>th</sup> MPC meeting held on 22.9.2017 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

Section 12A Application

[Open Meeting]

Y/KC/13                      Application for Amendment to the Draft Kwai Chung Outline Zoning Plan No. S/KC/28, To rezone the application site from “Industrial” to “Other Specified Uses” annotated “Columbarium (2)”, 24-28 Wing Lap Street, Kwai Chung  
(MPC Paper No. Y/KC/13)

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3. The Secretary reported that the application was for proposed rezoning from “Industrial” to “Other Specified Uses” annotated “Columbarium (2)”. The Vice-chairman, Mr Lincoln L.H. Huang, had declared interest on the item for being a member of the Private Columbaria Appeal Board.
4. The Committee noted that the applicant had requested deferment of consideration of the application and the Vice-chairman had tendered apologies for being unable to attend the meeting.

5. The Committee noted that the applicant's representative requested on 20.9.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

6. 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 three 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 further information and no further deferment would be granted unless under very special circumstances.

### **Hong Kong District**

#### **Agenda Item 4**

##### **Section 12A Application**

[Open Meeting]

Y/H10/9                      Application for Amendment to the Draft Pok Fu Lam Outline Zoning Plan No. S/H10/16, To rezone the application site from "Residential (Group B)" to "Other Specified Uses" annotated "Eco-Heritage Park", Government Land to the east of Chi Fu Fa Yuen, Pok Fu Lam  
(MPC Paper No. Y/H10/9C)

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7. The Committee noted that the applicant's representative requested on 18.9.2017 deferment of the consideration of the application until November 2017 in order to allow time to complete a field survey on freshwater creature within the site and revise the implementation plan of the proposed park after liaison with some non-government organizations. As there were some historic structures of the Old Diary Farm within the site,

the grading of which was being processed by the Antiquities Advisory Board (AAB), the applicant considered that the deferment could also enable the Town Planning Board to make an informed decision when the grading status of all 63 historic structures (including two confirmed and three proposed Grade 3 structures within the site) became clear or results were confirmed by AAB. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had conducted seven rounds of field survey and submitted further information of his submission to AAB regarding the proposed grading of the Old Dairy Farm structures.

8. 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 three 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 further information. Since it was the fourth deferment and a total of eight months had been allowed for preparation of the submission of further information, no further deferment would be granted.

### **Agenda Item 5**

#### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/H11/1                      Application for Amendment to the Approved Mid-Levels West Outline Zoning Plan No. S/H11/15, To rezone the application site from "Residential (Group C) 7" to "Residential (Group A)", 29 Shelley Street, Mid-Levels, Hong Kong  
(MPC Paper No. Y/H11/1)

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9. The Secretary reported that the site was located in Mid-Levels West. The following Members had declared interests on the item:

- Mr Lincoln L.H. Huang (the Vice-chairman) - co-owning with spouse a flat at Conduit Road; and being a shareholder and director of a company owning a flat at Robinson Road;
- Dr Frankie W.C. Yeung - co-owning with spouse a flat at Conduit Road; and
- Mr K.K. Cheung - co-owning with spouse a flat at Caine Road.

10. The Committee noted that the Vice-chairman had tendered apologies for being unable to attend the meeting and Dr Frankie W.C. Yeung had not yet arrived to join the meeting. The Committee agreed that as the properties of Dr Frankie W.C. Yeung and Mr K.K. Cheung did not have a direct view on the site, they could stay in the meeting.

11. The following representatives from the Planning Department (PlanD) and the applicant were invited to the meeting at this point:

- Mr Louis K.H. Kau - District Planning Officer/Hong Kong (DPO/HK);
  - Mr Jerry Austin - Senior Town Planner/Hong Kong (STP/HK); and
  - NY Architects & Associates Limited  
Mr Felix Lo  
Mr Norman Yiu
- } Applicant's representatives

#### Presentation and Question Sessions

12. The Chairman extended a welcome and explained the procedure of the hearing. He then invited PlanD's representatives to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr Jerry Austin, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the proposed rezoning from “Residential (Group C)7” (“R(C)7”) to “Residential (Group A)” (“R(A)”);

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper, the main points of which were summarised as follows:
  - (i) the District Lands Officer/Hong Kong West & South, Lands Department (DLO/HKW&S, LandsD) advised that the Government lease governing the subject lot contained, among others, non-offensive trade clause and Rate and Range clause;
  - (ii) the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) advised that the approved use on the ground floor (G/F), 29 Shelley Street had changed to ‘Shop’ according to the approved building plans dated 24.7.1963;
  - (iii) the Commissioner for Transport (C for T) advised that the proposed rezoning could allow the lot owner to develop the site with more commercial usage on the lowest three floors and a less stringent building height restriction, which might intensify the development of the lot in the future and impose higher traffic demand in the area. Given the site was a land locked site with no direct frontage to public carriageway, it was technically infeasible to provide a vehicular access. A Traffic Impact Assessment was required to ascertain the possible traffic impact induced by the proposed rezoning from “R(C)7” to “R(A)”;
  - (iv) the Director of Environmental Protection (DEP) received a noise complaint referral from the Liquor Licensing Board (LLB) for the bar/restaurant at the site. Central and Western District Council (C&WDC) members and the general public also made similar noise

complaints about bar/restaurant operations in the vicinity of the site as well as the Soho area in the past three years;

- (v) the Chief Town Planner/Urban Design and Landscape, PlanD considered that the proposed rezoning might set an undesirable precedent within the subject “R(C)7” zone by introducing more intensive developments and commercial activities on the ground level. Due to the inadequate access and narrow street width in the “R(C)7” zone, further increase in loading and unloading activities would worsen the pedestrian environment in the area;
  - (vi) the Director of Food and Environmental Hygiene advised that G/F, 29 Shelley Street was neither covered by a valid restaurant licence nor under application for a food licence, whereas the Chief Officer (Licensing Authority), Home Affairs Department advised that the club-house at G/F, 29 Shelley Street was currently holding a valid Certificate of Compliance under the Clubs (Safety of Premises) Ordinance;
  - (vii) the District Officer (Central & Western) noted that the C&WDC member of the subject constituency was concerned that the subject application might generate adverse traffic and environmental impacts to the vicinity; and
  - (viii) other 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, 11 public comments objecting to or raising concerns on the application were received from local residents, the Incorporation of Owners of Kam Lee Building and members of the general public. Major objection grounds/concerns were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. In the absence of any development proposal and technical assessments, it was not possible to confirm that the proposed rezoning was appropriate and that it would not cause any adverse impact on the surrounding areas. The site fronted onto Shelley Street which was a stepped street and did not have any direct vehicular access, and sites abutting stepped streets (including the site) were currently restricted to pure residential use on the Outline Zoning Plan (OZP) in order to avoid the need for loading/unloading facilities required by commercial uses. As such, the current zoning of “R(C)7” zone was considered appropriate. As C for T and DEP had raised adverse comments/concern on the application, approval of the application would set an undesirable precedent for other similar applications within the “R(C)7” zone and the cumulative impact of such applications might result in adverse traffic and noise impacts on the neighbourhood. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

13. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Messrs Felix Lo and Norman Yiu, the applicant's representatives, made the following main points:

- (a) G/F of the site had been permitted for commercial use according to the general building plan (GBP) approved in 1963 and the approved G/F use was ‘shop (non-domestic use)’. While the applicant had no proof of that, it had been used as an eating place (EP) since 1995. However, there was a newspaper article in 1997 regarding the EP use, which was known as Cafe Gypsy. Certificates of Compliance were granted to G/F of the building under Clubs (Safety of Premises) Ordinance in 2004 and 2011 and a Club Liquor Licence was granted by the LLB in 2012;
- (b) the staircase serving the existing building at the site was only 950mm in width, which did not meet the minimum standard as required by concerned government departments. As such, any proposed EP use on the first floor

(1/F) and second floor (2/F) of the building would not be permitted;

- (c) the site area was only 108.83m<sup>2</sup>. The redevelopment potential was limited and there was no intention to redevelop the whole site by the applicant. However, other than “R(A)” zone, there was no provision for EP use in other zones. The proposed rezoning was only for regularising the current EP use at the site;
- (d) the proposed rezoning would not cause adverse traffic and environmental impact as the number of EP would not be increased and EP operators should comply with relevant environmental regulations. A number of EP uses were also found in surrounding areas zoned “R(A)”; and
- (e) the lot owner had the right to operate and regularize the EP use.

14. As the presentations of PlanD’s representative and the applicant’s representatives were completed, the Chairman invited questions from Members.

#### *History/Background of the Site*

15. Some Members raised the following questions:

- (a) whether the Central-Mid-Levels Escalator (CME) had been in operation when the Study on Redevelopment along Stepped Streets (the Study) was conducted;
- (b) noting that the use of G/F of the existing building had changed to ‘shop (non-domestic)’ as shown on the GBP approved in 1963 and the current EP was claimed to be operated since 1995 by the applicant, whether there was any OZP covering the site between 1963 and 1995. If affirmative, whether non-domestic use was permitted on G/F;
- (c) whether there was any intention for redevelopment of the site, together with the adjoining 27 Shelly Street, and any intention to also change the use of

1/F and 2/F of the site to non-domestic use; and

(d) the use of G/F of the site since 1963.

16. Mr Louis K.H. Kau, DPO/HK, made the following points:

(a) the CME was not in operation when the Study was conducted in 1991; and

(b) the Mid-Levels West was first covered by an OZP gazetted in 1986 and the site was zoned “R(A)” at that time under which non-domestic use was permitted on G/F of the building. The site was rezoned to “R(C)7” in 1995.

17. Mr Norman Yiu, the applicant’s representative, made the following points:

(a) the application was only to regularise the EP use on G/F of the building at the site to address the lease enforcement action by LandsD for contravention of the non-offensive trade clause; and

(b) it was understood that the site had been used for commercial purpose since 1963. The site was used for retailing between 1963 and 1985 and EP after 1995.

*Uses Permitted on G/F of the Site and Surrounding Areas*

18. Some Members had the following questions:

(a) any record on the use of the site and its surrounding area when the site was rezoned to “R(C)7” in 1995;

(b) information on the use of G/F, 1/F and 2/F of other developments within the same “R(C)7” zone; and

- (c) current uses of G/F along Shelly Street (bounded by Caine Road and Mosque Temple Street).

19. Mr Louis K.H. Kau made the following responses:

- (a) there was no record on the uses of the site and its surrounding area in 1995;
- (b) with reference to approved GBP records for the developments within the same “R(C)7” zone, non-domestic use was approved on G/F, 1/F and 2/F of 15 Shelly Street and on G/F of 17-17A and 29 Shelly Street as well as 1, 3, 5-7, 8, 10, 17 and 19 Prince’s Terrace; and
- (c) during the recent site inspection by PlanD, office and real estate agency were observed at G/F of 15, 17-17A and 27 Shelly Street respectively and no other non-domestic use was observed at G/F of 21 and 23-25 Shelly Street, whereas there was a café on G/F of 31 Shelly Street which was within “R(A)” zone.

#### *Approved GBP*

20. In response to the Chairman and some Members’ enquiries, Mr Louis K.H. Kau said that the building at the site was completed in 1955, of which G/F was for domestic use as shown on the then approved GBP. With an illustration of an extract of the approved GBP in 1963, the use of G/F had been changed to ‘shop (non-domestic)’. Since there was no OZP covering the site at that time, there was no statutory planning implications on the concerned GBP.

[Mr Franklin Yu arrived to join the meeting at this point.]

#### *Lease*

21. In response to some Members’ enquiries, Mr Louis K.H. Kau said that the lease governing the site contained a non-offensive trade clause and an application for lease modification to allow EP use was required. If removal of offensive trade clause was

referred by LandsD to PlanD for comment, PlanD would raise objection if the concerned use contravened the OZP provisions.

*EU Status and Regularisation*

22. Some Members raised the following questions:
- (a) whether the rezoning of the site from “R(A)” to “R(C)7” in 1995 would affect the existing use (EU) status of the site; and
  - (b) any other means to regularise the EP use.
23. Mr Louis K.H. Kau made the following responses:
- (a) if the applicant could provide sufficient evidence to prove that the EP had been in existence before the site was rezoned to “R(C)7” in 1995 and had continued since it came into existence, the EU status of the site would not be affected by the change in the zoning. However, the applicant had not provided sufficient evidence to prove its EU status; and
  - (b) the applicant might consider submitting a s.12A application for proposed incorporation of ‘Eating Place’ use in Column 2 of the Notes for the “R(C)7” zone, such that the EP use might be permitted under the mechanism of s.16 planning application. However, in considering such application, which might have significant implications on all developments within “R(C)7” zone, the potential cumulative traffic impact would need to be taken into account.

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

24. In response to a Member’s observation, Mr Norman Yiu said that the applicant had not attempted to clarify, for the purpose of demonstrating the EU status of the existing EP, the definition of the ‘shop (non-domestic)’ use as shown on the approved GBP with BD, i.e. whether EP use could be regarded as a kind of ‘shop (non-domestic)’ use. The applicant

might consider doing that with a view to resolving the issue of lease enforcement by LandsD.

*Others*

25. Some Members raised the following questions:

- (a) whether a food business licence could not be granted by the Food and Environmental Hygiene Department (FEHD) was due to the “R(C)7” zoning of the site, and whether any enforcement would be taken by FEHD; and
- (b) whether the EP was operated with a Certificate of Compliance issued under Clubs (Safety of Premises) Ordinance.

26. In response, Mr Norman Yiu said that he had no idea on the reasons for being unable to obtain a food business licence from FEHD. He understood that a club licence was obtained for operating the EP subsequent to failure of applying for a food business licence.

27. Mr Louis K.H. Kau supplemented that FEHD had the enforcement power for any EP without any valid food business licence. Moreover, there was no provision for ‘private club’ use within “R(C)7” zone.

28. As the applicant’s representatives had no further points to raise and there were no further questions from Members, the Chairman informed the applicant’s representatives that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform them of the Committee’s decision in due course. The Chairman thanked the representatives of PlanD and the applicant for attending the meeting. They left the meeting at this point.

Deliberation Session

29. Members noted that the applicant submitted the current rezoning application because the subject premises was subject to lease enforcement action by LandsD as the current EP use on G/F of the site was in breach of the non-offensive trade clause under lease.

The applicant claimed that the EP was in operation since 1995. There was no provision for application for 'Eating Place' use under the "R(C)7" zoning. The EP was being operated as a private club with the Certificate of Compliance issued under the Clubs (Safety of Premises) Ordinance.

30. A few Members were sympathetic towards the applicant who only sought to regularise the EP use and had the following views:

- (a) noting that 'kitchen' was denoted in the approved GBP for G/F of the site in 1963, it might imply that 'shop (non-domestic)' use as denoted on the approved GBP might include EP use; and
- (b) EP use on G/F of the subject building was considered acceptable given the high pedestrian flow in the vicinity and it was not incompatible with other shops and EPs in the vicinity. A new sub-zone under "R(C)" could be considered for the site and 'Eating Place' use could be included in Column 2 of the Notes of the OZP.

31. In response to the Chairman, the Secretary explained that according to paragraph (3) of the covering Notes of the OZP, EU referred to: (i) before the publication in the Gazette of the notice of the first statutory plan covering the land or building (the first plan), a use in existence before the publication of the first plan which had continued since it came into existence; or a use or a change of use approved under the Buildings Ordinance (BO) which related to an existing building; and (ii) after the publication of the first plan, a use permitted under a plan which was effected during the effective period of that plan and had continued since it was effected; or a use or a change of use approved under the BO which related to an existing building and permitted under a plan prevailing at the time when the use or change of use was approved. The elaboration of the definition of EU was stated in the Town Planning Board Guidelines No. 24C. Any person who intended to claim an EU right would need to provide sufficient evidence to support the claim.

32. Mr Simon S.W. Wang, Assistant Director (Regional 1), LandsD, said that the EP use at G/F of the site was in breach of the non-offensive trade clause under lease, and it was necessary for the applicant to provide sufficient evidence for claiming the EU right of the EP

use.

33. Members in general did not support the application to rezone the site for “R(A)” and had the following views:

- (a) no development proposal and technical assessments had been submitted to demonstrate that the proposed rezoning to “R(A)” would not cause adverse traffic and noise impacts on the surrounding areas; and
- (b) the site was not suitable for high density residential use given that the site was small with narrow street frontage. Also, it was located on a stepped street without direct vehicular access.

34. Members noted that if the applicant could provide sufficient evidence to prove the EU status, no rezoning of the site was required even though there was no provision for EP use in “R(C)7” zone. In this regard, the applicant had not demonstrated the EU status of the existing EP. The applicant should consider demonstrate the EU status in accordance with the covering Notes of the OZP as mentioned in paragraph 31 above.

35. The Chairman concluded that Members in general did not support the application. Members then went through the recommended rejection reasons as stated in paragraph 12.1 of the Paper and considered them in order.

36. After deliberation, the Committee decided not to agree to the application for the following reasons:

- “(a) the applicant fails to justify that the proposed rezoning of the site to “Residential (Group A)” is appropriate as the site has inadequate access;
- (b) the applicant fails to demonstrate that the proposal would not induce adverse traffic and noise impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “Residential (Group C)” zone and its sub-zones and

the cumulative impact may induce adverse traffic and noise impacts on the neighbourhood.”

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

#### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting]

A/K20/129                      Temporary Office for a Period of 5 Years in “Residential (Group A) 1”  
Zone, 2/F (Part) of Commercial Podium, The Long Beach, 8 Hoi Fai  
Road, Kowloon  
(MPC Paper No. A/K20/129)

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37.            The Secretary reported that the application was submitted by Hang Lung Real Estate Agency Limited, which was a subsidiary of Hang Lung Group (HLG), and Kenneth To & Associates Limited (KTA) was one of the consultants of the applicant. The following Members had declared interests on the item:

Mr K.K. Cheung                      -    having current business dealings with HLG;  
and

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

38.            The Committee noted that the applicant had requested deferment of consideration of the application. As the interest of Mr K.K. Cheung was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that as Mr Patrick H.T. Lau had no involvement in the application, he could stay in the meeting.

39.            The Committee noted that the applicant’s representative requested on 28.9.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Transport Department. It was the first time that the applicant requested 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 two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/449                      Shop and Services (Fast Food Shop) in "Industrial" Zone, Shop B7, G/F,  
Mai Wah Industrial Building, 1-7 Wah Sing Street, Kwai Chung  
(MPC Paper No. A/KC/449)

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

41. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, 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 (fast food shop);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director General of Trade and Industry had

no comment on the application if a temporary approval of three years would be imposed such that the applied use would not jeopardise the long-term use of the subject premises for industrial related uses. The Director of Fire Services (D of FS) had no objection to the application as the use (i.e. fast food shop) would not be counted in the aggregated commercial floor area on the ground floor (G/F) of an existing industrial building according to the Town Planning Board Guidelines No. 25D (TPB PG-No. 25D). Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; 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 set out in paragraph 11 of the Paper. The use was not incompatible with other uses of the subject industrial building comprising canteens, shop and services, warehouse cum office on G/F and industrial uses and office uses related to industrial establishments or trading firms on the upper floors. The subject building was not protected by a sprinkler system and was subject to a maximum permissible limit of 230m<sup>2</sup> for the aggregate commercial floor area on G/F of industrial building. D of FS had no objection to the application and advised that the use would not be counted in the aggregated commercial floor area on G/F. An approval condition had been recommended to address the technical requirement of D of FS. The small scale of the use would unlikely cause adverse traffic or environmental impacts on surrounding areas and generally complied with TPB PG-No. 25D. Similar applications on G/F of the subject building and its vicinity had been approved by the Committee and there had been no material change in planning circumstances since the previous temporary planning approval. In order not to jeopardise the long-term planning intention of industrial use for the premises and to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended, which was consistent with the Committee's

previous decisions on similar applications within the same building and “Industrial” zone.

42. Members had no question on the application.

#### Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.10.2020, 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 safety measures, including fire services installations and equipment and a means of escape completely separated from the industrial portion of the subject industrial building within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.4.2018; and
- (b) if the above planning condition (a) 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.”

44. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix III of the Paper.

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

[Ms Irene W.S. Lai, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

**Hong Kong District**

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/84                      Proposed Eating Place (Restaurant) in “Government, Institution or Community” Zone, 8/F, Congregation House of China Congregational Church, 119 Leighton Road, Causeway Bay, Hong Kong  
(MPC Paper No. A/H6/84)

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**Presentation and Question Sessions**

45.                      With the aid of a PowerPoint presentation, Ms Irene W.S. Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed eating place (restaurant);
- (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) during the first three weeks of the statutory publication period, 29 comments were received from patrons of China Congregational Church and individuals supporting the application or offering favourable comments on the application. Major supporting and favourable views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use would only account for 4.4% of the total gross floor area of the subject building and would not affect the provision of other Government, Institution or Community (GIC) uses within the same building and hence the planning intention of the “Government, Institution

or Community” zone for the subject building would not be affected and the application generally complied with the Town Planning Board Guidelines No. 16. The proposed use was not incompatible with other GIC uses in the subject building and surrounding commercial and composite buildings. In view of the small scale of the proposed use, it would not cause disturbance and nuisance to other users of the building. The operation of the proposed restaurant would be subject to licencing control and relevant approval conditions and advisory clauses had been recommended to address the technical requirements of concerned government departments and potential noise and cooking fume nuisances.

46. In response to a Member’s enquiry, Ms Irene W.S. Lai, STP/HK, said that the proposed restaurant would be open to patrons of China Congregational Church and members of the general public.

#### Deliberation Session

47. 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 13.10.2021, 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 services installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB before commencement of operation of the proposed use;
- (b) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (c) the implementation of the sewerage upgrading/sewerage connection works identified in the SIA in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.”

48. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix III of the Paper.

[The Chairman thanked Ms Irene W.S. Lai, 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 Jessie K.P. Kwan, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

### **Kowloon District**

#### **Agenda Item 9**

[Open Meeting]

Proposed Amendments to the Approved Kwun Tong (South) Outline Zoning Plan No. S/K14S/20

(MPC Paper No. 7/17)

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49. The Secretary reported that the proposed amendment item to the Approved Kwun Tong (South) Outline Zoning Plan (OZP) was to facilitate a proposed public housing development by the Hong Kong Housing Society (HKHS), and Urbis Limited (Urbis), CYS Associates (Hong Kong) Limited (CYS), AIM Group Limited (AIM) and Rider Levett Bucknall Limited (RLB) were four of the consultants of the Planning Consultancy Services of HKHS. The following Members had declared interests on the item:

- |   |   |   |
|---|---|---|
| Mr Raymond K.W. Lee<br>(the Chairman)<br><i>as the Director of<br/>Planning</i> | - | being an ex-officio member of the Supervisory Board of HKHS;  |
| Mr K.K. Cheung  | - | his firm having current business dealings with HKHS, Urbis and AIM;                                   |
| Mr Thomas O.S. Ho   | - | having past business dealings with HKHS; and his company having current business dealings with Urbis; |

- Dr Lawrence W.C. Poon - being an ex-employee of HKHS;
- Mr Patrick H.T. Lau - having current business dealings with RLB;  
and having past business dealings with CYS;  
and
- Mr Franklin Yu - having past business dealings with Urbis.

50. The Committee noted that Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting. According to the procedure and practice adopted by the Town Planning Board, as the proposed public housing development by HKHS was the subject of an amendment to the OZP proposed by the Planning Department, the interests of those Members on the item only needed to be recorded and they could stay in the meeting. The Committee agreed to this arrangement.

#### Presentation and Question Sessions

51. With the aid of a PowerPoint presentation, Ms Jessie K.P. Kwan, STP/K, presented the proposed amendments as detailed in the Paper and covered the following main points:

##### Background

- (a) upon review of the possible use of “Government, Institution or Community” (“G/IC”) sites without designated use, a “G/IC” site at Ting On Street in Kwun Tong (the site) had been identified as suitable for public housing development to meet the pressing need for housing land. Transport and Housing Bureau had given in-principle policy support to HKHS to use the site for the proposed public housing development;
- (b) completed in 1966/67 by HKHS, Kwun Tong Garden Estate II (KTGE II), about 50m away from the site, was ageing and an early planning for redevelopment was necessary. The site was considered suitable for decanting tenants affected by the KTGE II redevelopment in order to meet the strong aspiration for local or in-situ rehousing. The detailed

redevelopment programme for KTGE II would be worked out by HKHS in consultation with the concerned parties;

Development Proposal

- (c) according to HKHS's conceptual plan, the proposed public housing development would comprise a residential tower with 27 domestic storeys on top of a four-storey podium with domestic/total plot ratios (PRs) of 7.017/8.134 and a building height not exceeding 110 metres above Principal Datum (mPD). The proposed public housing development would provide about 378 flats with an estimated population of about 1,058. The existing sub-standard refuse collection point (RCP) would be reprovisioned at the ground floor (G/F) of the proposed development, and the podium would accommodate retail shops and GIC facilities (a neighbourhood elderly centre), landscaped area, a half-size basketball court/multi-purpose playground and a covered activities area. A barrier-free pedestrian linkage (comprising shuttle lifts) would be provided for linking Ting On Street and Ngau Tau Kok Road. The proposed facilities would serve the residents and be opened to the public;
  
- (d) for the reprovisioning of the existing basketball court, the proposed development would include a permanent half-size basketball court/multi-purpose playground to serve the local residents and be open to the public. Prior to commencement of the proposed development, HKHS would modify the existing basketball court within KTGE II into one and a half basketball courts, a Tai Chi court and seating area for public enjoyment. The temporary facilities were to be constructed, managed and maintained at HKHS's own costs until a permanent basketball court be reprovisioned within the future redevelopment of KTGE II;

Proposed Amendment to Matters shown on the Plan

- (e) Amendment Item A – rezoning of the site at Ting On Street from “G/IC” to “Residential (Group A)3” (“R(A)3”) (about 0.22ha) and stipulation of a

building height restriction of 110mPD. The PR of “R(A)3” zone would be the same as other “R(A)” sites on the OZP, i.e. a maximum domestic PR of 7.5 and maximum total PR of 9 for partly domestic and partly non-domestic;

Technical Assessments

- (f) various technical assessments for the proposed development had been completed, including air ventilation assessment (AVA), environmental assessment, water supply impact assessment, drainage impact assessment, sewerage impact assessment, geotechnical impact assessment, visual impact assessment, traffic impact assessment and tree survey;
- (g) further quantitative AVA should be conducted in the later design stage to explore more opportunities on scheme improvement given that there were slight adverse air ventilation impacts on some areas;
- (h) 37 trees within the site would be felled and compensatory planting of 39 trees within the proposed development would be provided in compliance with the criteria as set out in the Development Bureau Technical Circular (Works) No. 7/2015 on Tree Preservation. Open spaces of 1,090m<sup>2</sup> would be provided at 1/F and 2/F of the proposed development and be accessible to the public;
- (i) the findings concluded that the proposed development would not cause any adverse traffic impact or impacts on infrastructural capacity (water supply, drainage, sewerage) in the area and was found to be geotechnically feasible. Some mitigation measures had been recommended to reduce visual obstruction and to enhance visual permeability, to minimise the adverse air ventilation impact and impacts of traffic, industrial and railway noise and air pollution, and to address the noise and odour concerns in relation to the new RCP at the site;

Proposed Amendments to the Notes of the OZP

- (j) to allow the reprovisioning of the RCP at the site, it was proposed to incorporate ‘Government RCP’ as a Column 1 use for land designated “R(A)3” only. The remarks of the Notes of the “R(A)” zone were also proposed to be amended to incorporate the development restrictions related to the site;
- (k) with a view to supporting art development, it was proposed to incorporate ‘Art Studio (excluding those involving direct provision of services or goods)’ as a Column 1 use in Schedule II of the “Other Specified Uses” annotated “Business” zone. Corresponding amendment would also be made to replace ‘Place of Recreation, Sports or Culture’ under Column 2 of the same schedule by ‘Place of Recreation, Sports or Culture (not elsewhere specified)’;

Departmental Consultation

- (l) relevant government bureaux/departments had no objection to or no adverse comment on the proposed amendments; and

Consultation with the Kwun Tong District Council (KTDC) and Local Stakeholders

- (m) KTDC was consulted on the proposed OZP amendments on 2.3.2017 and the Housing Committee of KTDC was consulted on HKHS’s proposed redevelopment of KTGE II on 18.7.2017. Two briefing sessions were conducted by HKHS for residents at Ting On Street and tenants of KTGE II on 15.5.2017 and 22.5.2017 respectively. Written submissions were also received from a Legislative Council member and a KTDC member. In general, KTDC members supported the redevelopment of KTGE II, but some of the KTDC members and locals raised concerns on the traffic and environmental impacts of the proposed development, reprovisioning of the basketball court, adequacy of GIC facilities and open space in the area,

redevelopment programme of KTGE II and related rehousing arrangement. Summary of the public views received and the responses to specific issues from HKHS were detailed in Attachment X of the Paper.

52. Some Members raised the following questions/suggestions:

- (a) whether there was any scope to increase the development intensity of the proposed development (i.e. domestic/total PRs of 7.017/8.134) to the maximum permissible domestic/total PRs for “R(A)3” zone of 7.5/9;
- (b) whether there was any scope to include the “G/IC” site currently occupied by a three-storey public convenience to the immediate north of the site into the proposed public housing development, such that the site could be regarded as a Class B site under the Building (Planning) Regulations (B(P)R), with a higher permissible PR for achieving the maximum PR of 9 permitted under the proposed “R(A)3” zone;
- (c) the proposed reprovisioning arrangement of the existing basketball court, the current use and accessibility of the temporary reprovisioning site; and
- (d) the proposed reprovisioning arrangement of the existing RCP, and whether there was any scope to reprovision the existing RCP at the basement of the proposed development such that the potential odour nuisance could be minimised and other GIC facilities could be provided at G/F of the proposed development.

53. Mr Tom C.K. Yip, DPO/K, made the following responses:

- (a) the site was regarded as a Class A site under the B(P)R, of which the maximum attainable total PR would be about 8.4 if the domestic PR was 7.5. The proposed PR as shown in the indicative scheme submitted by HKHS was slightly below the permitted maximum PR under the OZP mainly due to site constraints such as the need to provide building setbacks from Ting On Street and Ngau Tau Kok Road to address environmental

concerns and GIC facilities and open space at the site. Notwithstanding the above, noting that the proposed maximum building height of the notional scheme was currently 106.6mPD, there was scope to optimise the PR permitted under the OZP and B(P)R by adding an additional storey for the proposed development at the detailed design stage;

- (b) if the concerned “G/IC” site with public convenience was incorporated into the site, whether the site would be accepted as a Class B site under the B(P)R was yet to be ascertained given that the public convenience adjoined an existing staircase. Also, the proposal would involve the reprovisioning of the public convenience as per request of the Food and Environmental Hygiene Department (FEHD) and the inclusion of such a small site might not greatly enhance the site configuration and development potential. As such, HKHS considered the currently proposed scheme was the optimum one at this stage;
- (c) during the construction of the proposed development, HKHS would modify the existing basketball court within KTGE II, which was accessible via Ngau Tau Kok Road, into one and a half basketball courts, a Tai Chi court and seating area for public enjoyment. The design of the temporary reprovisioned basketball courts was acceptable to the Leisure and Cultural Services Department. A permanent basketball court would be reprovisioned within the future redevelopment of KTGE II and a permanent half-size basketball court/multi-purpose playground would be provided within the proposed development; and
- (d) the existing RCP would maintain in operation until the permanent RCP in the future development was in place for operation. Given that the site fronted onto two streets at different levels (i.e. Ting On Street at about 7.2mPD and Ngau Tau Kok Road at about 17.2mPD), the RCP would be reprovisioned at G/F of the proposed development fronting Ting On Street at a lower level, which was separated from the domestic portion. The reprovisioned RCP would be enclosed and its design would follow the FEHD’s Handbook on Standard Features for RCP. Odour control

equipment and odour removal ventilation system would be provided in order to minimise the potential environmental impact on surrounding areas. Given the gradient, small size and narrow street fronting of the site, the re-provisioning of the RCP at the basement of the proposed development, if feasible, might involve high cost and encounter difficulties in the design, e.g. the technical feasibility of providing a sizable ramp for access by refuse collection vehicle at the basement had to be ascertained.

54. Mr Wilson W.S. Pang, Assistant Commissioner for Transport (Urban), Transport Department, supplemented that the feasibility of re-provisioning the existing RCP at the basement of the proposed development would need to be studied given that the size of the site was relatively small and there was limitation in provision of a ramp and maneuvering space. For the design of the currently proposed RCP at G/F of the proposed development, sufficient maneuvering space by using a turntable had been reserved for refuse collection vehicles.

55. After deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the approved Kwun Tong (South) Outline Zoning Plan (OZP) and that the draft Kwun Tong (South) OZP No. S/K14S/20A at Attachment II of the Paper (to be renumbered as S/K14S/21 upon exhibition) and its Notes at Attachment III of the Paper are suitable for exhibition under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Kwun Tong (South) OZP No. S/K14S/20A as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP and agree that the revised ES is suitable for publication together with the OZP.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting]

A/K14/745 Proposed Comprehensive Redevelopment with Residential (Flats) and Commercial Uses including Hotel, Offices, Retail, Hawker Bazaar, Educational Institution, Public Open Space, Public Transport Interchange, other Government, Institution or Community Uses (Government Uses) and Supporting Facilities (Amendments to Approved Master Layout Plan) in “Comprehensive Development Area (1)” Zone, Urban Renewal Authority Development Scheme Area at Kwun Tong Town Centre - Main Site (Area bounded by Kwun Tong Road, Hong Ning Road, Mut Wah Street and Hip Wo Street), Kwun Tong, Kowloon (MPC Paper No. A/K14/745)

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56. The Secretary reported that the application was submitted by the Urban Renewal Authority (URA), and AECOM Asia Company Limited was one of the consultants of the applicant. The following Members had declared interests on the item:

- |   |   |  |
|---|---|--|
| Mr Raymond K.W. Lee<br>(the Chairman)<br><i>as the Director of<br/>Planning</i> | - | being a non-executive director of URA, and a member of the Planning, Development and Conservation Committee (PDCC) of URA;   |
| Mr Lincoln L.H. Huang<br>(the Vice-chairman)                                    | - | being the Deputy Chairman of the Appeal Board Panel of URA;  |
| Dr Lawrence W.C. Poon   | - | being a non-executive director of URA, a member of the Lands, Rehousing & Compensation Committee and PDCC of URA, and a director of the Urban Renewal Fund of URA; |
| Mr Patrick H.T. Lau   | - | having current business dealings with URA and AECOM;   |

- Mr Thomas O.S. Ho - having current business dealings with URA; and having past business dealings with AECOM;
- Mr K.K. Cheung - his firm having current business dealings with URA and AECOM;
- Mr Wilson Y.W. Fung - being a director of the Urban Renewal Fund of URA;
- Mr Stephen H.B. Yau - being a past member of the Wan Chai District Advisory Committee of URA; and
- Mr Franklin Yu - having past business dealings with AECOM.

57. The Committee noted that the applicant had requested deferment of consideration of the application and the Vice-chairman, Messrs Thomas O.S. Ho and Wilson Y.W. Fung had tendered apologies for being unable to attend the meeting. As the interests of Dr Lawrence W.C. Poon and Mr Patrick H.T. Lau were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that as the interest of Mr Stephen H.B. Yau was indirect and Messrs K.K. Cheung and Franklin Yu had no involvement in the application, they could stay in the meeting. The Committee also noted that the interest of the Chairman was direct, but the Vice-chairman had tendered apologies for being unable to attend the meeting. According to the procedure and practice adopted by the Town Planning Board, if the matter was subject to a statutory time limit, then as a matter of necessity, the Chairman should continue to assume the chairmanship but a conscious effort should be made to contain his scope of involvement in an administrative role to minimise any risk that he might be challenged. The Committee agreed to the arrangement.

58. The Committee noted that the applicant requested on 27.9.2017 deferment of the consideration of the application for two months in order to allow time to prepare responses to public comments, including those raised by the Kwun Tong District Council on the detailed design of the proposed development. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to departmental comments with technical assessments and photomontages.

59. 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 further information. Since it was the second deferment and a total of four months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/750 Proposed Shop and Services (Money Exchange) and Proposed Bank (Automated Teller Machine) in "Other Specified Uses" annotated "Business" Zone, Portion of Unit A2 and Portion of Unit B3, G/F, Block I, Camelpaint Building, 62 Hoi Yuen Road, Kwun Tong, Kowloon  
(MPC Paper No. A/K14/750)

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60. The Secretary reported that Kenneth To & Associates Limited (KTA) and Associated Architects Limited (AA) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Patrick H.T. Lau	-	having current business dealings with KTA; and
Mr K.K. Cheung	-	his firm having current business dealings with AA.

61. The Committee agreed that as Messrs Patrick H.T. Lau and K.K. Cheung had no involvement in the application, they could stay in the meeting.

Presentation and Question Sessions

62. Ms Jessie K.P. Kwan, STP/K, drew Members' attention that a letter from the applicant's consultant dated 12 October 2017, indicating that the proposed approval conditions (a) to (c) in paragraph 12.2 of the Paper were acceptable to the applicant should the application be approved by the Committee, was tabled at the meeting for Members' reference. She then presented the application with the aid of a PowerPoint presentation and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed shop and services (money exchange) at Portion of Unit A2 (Premises 1) and the proposed bank (automated teller machine) (ATM) at Portion of Unit B3 (Premises 2);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were summarised as follows:
  - (i) the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) had no objection to the application and advised that Premises 1 was subject to a No-Objection Letter (NOL) for the lifetime of the existing building permitting non-residential purposes and the proposed shop and services (money exchange) use was permitted under the said NOL. Premises 2 was subject to a Waiver Letter permitting shop and services (retail shop) use for a period of six months certain commencing from 8.1.2011 and thereafter quarterly, and the proposed use of bank (ATM) was in breach of the lease conditions and the conditions of the said Waiver Letter. The applicant was required to apply to his office for the temporary waiver/lease modification to give effect to the proposal;
  - (ii) the Director of Fire Services (D of FS) advised that the subject building was subject to a maximum permissible aggregate commercial floor area (CFA) limit of 460m<sup>2</sup> in accordance with

Town Planning Board Guidelines No. 22D (TPB PG-No. 22D) since it was protected by a sprinkler system. The proposed money exchange should be counted up to the aggregate CFA while the proposed ATM should not be counted up. He had no objection to the application only if the aggregate CFA of the building would remain unchanged at 469.84m<sup>2</sup> and he would not support the application if the application would result in exceedance of the limit; and

- (iii) other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Planning permission was only required for the proposed money exchange at Premises 1 and it was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. The proposed uses were not incompatible with the changing land use character of the Kwun Tong Business Area. The aggregate CFA on G/F of the building was 469.84m<sup>2</sup>, which had already exceeded the normal limit of 460m<sup>2</sup> for an industrial building with a sprinkler system as set out in TPB PG-No.22D. D of FS would not support the application if it would result in further exceedance of the said aggregate CFA. In order to address the above concern, the applicant had proposed under the current application to convert Premises 2 (which was currently part of an existing retail shop and with the same floor area as Premises 1, i.e. about 10m<sup>2</sup>) for ATM use (a use which was always permitted and not counted towards aggregate CFA limit) with a view to offsetting the increase in CFA from the proposed money exchange in Premises 1. Notwithstanding the above, the applicant had not provided any information on the ways to guarantee that Premises 2 would be converted into an ATM should the application be approved. If

eventually the existing retail shop use at Premises 2 had not been converted into an ATM but the proposed money exchange in Premises 1 was in place, the total aggregate CFA on G/F of the subject building would exceed the currently approved limit of 469.84m<sup>2</sup>, which was not supported by D of FS.

63. In response to some Members' enquiries, Mr Tom C.K. Yip, DPO/K, explained that PlanD did not support the application mainly on the consideration that there was no guarantee for ensuring conversion of Premises 2 to ATM use, given that Premises 2 was currently used as a retail shop and a waiver permitting shop and services (retail shop) use had already been granted by LandsD. Although the actual use of Premises 2 could be monitored during the processing of relevant general building plan (GBP) or waiver application by Buildings Department and LandsD respectively, there would be no guarantee that the use of Premises 2 would be changed to ATM as applied.

64. In response to another Member's enquiry, Mr Tom C.K. Yip said that when considering application No. A/K14/624 regarding another unit on G/F of the subject building, D of FS advised that minor exceedance to the maximum permissible limit could be allowed as the aggregate CFA was less than the maximum permissible limit at the consideration of the said application. The application was therefore approved with conditions by the Committee in 2010 and the aggregate CFA of G/F of the building had been increased to 469.84m<sup>2</sup>. All approval conditions of the valid planning permissions covering the portions of G/F of the subject building (of which the CFA was countable towards the aggregate CFA limit under TPB PG-No.22D) had been complied with.

#### Deliberation Session

65. Members noted that for implementing the applied uses, an amendment to GBP and application for lease modification/temporary waiver would be necessary subsequent to approval of the current application. The proposed shop and services (money exchange) use was permitted under the NOL at Premises 1, whereas application for temporary waiver/lease modification was required for the proposed ATM at Premises 2.

66. A few Members expressed concerns on whether the recommended approval conditions were enforceable, and made suggestions on the means to ensure that Premises 2

had to be converted to ATM use before the operation of the proposed money exchange at Premises 1, such as regular site inspections by PlanD, submission of undertaking letter and implementation timetable or making statutory declaration by the applicant.

67. Other Members in general were of view that sympathetic consideration could be given to the application and had the following major views:

- (a) the proposed uses could be tolerated given the small size of the subject premises and the aggregate CFA of G/F of the building would remain unchanged at 469.84m<sup>2</sup>;
- (b) the subject premises were located on G/F of the existing industrial building with its own entrance facing Hoi Yuen Road and fronting an open passage of the subject building connecting to Hoi Yuen Road respectively. Fire safety concern, if any, should not be insurmountable;
- (c) the proposed uses were generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone;
- (d) the applicant had submitted a letter indicating that he was willing to comply with the approval conditions should the application be approved; and
- (e) there were means to monitor the compliance of approval conditions. A temporary planning approval could be granted in order to closely monitor the use of the premises and status of compliance of approval conditions.

68. The Chairman concluded that Members in majority considered that sympathetic consideration could be given to the application. Members noted that planning permissions on a temporary basis of three years were normally granted to uses within industrial buildings where close monitoring was required, and agreed that a planning permission for a period of three years could be given to the subject application so as to monitor the situation on implementation and compliance of approval conditions. Members then went through the recommended approval conditions as stated in paragraph 12.2 of the Paper and considered them generally in order.

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.10.2020, 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 the proposal for fire safety measures, including the provision of fire services installations and equipment at the application premises and means of escape completely separated from the industrial portion of the subject industrial building to the satisfaction of the Director of Fire Services or of the TPB before operation of the two proposed uses;
- (b) the proposed Shop and Services (Money Exchange) use at Portion of Unit A2 (Premises 1) shall not commence before the operation of the proposed Bank (Automated Teller Machine) use at Portion of Unit B3 (Premises 2); and
- (c) if any of the above planning conditions (a) or (b) is not complied with before operation of the two proposed uses, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

70. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix II of the Paper.

[The Chairman thanked Mr Tom C.K. Yip, DPO/K, and Ms Jessie K.P. Kwan, STP/K, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

**Agenda Item 12**

Any Other Business

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