

**Confirmed Minutes of 309th Meeting of the
Metro Planning Committee held on 12.8.2005**

Present

Director of Planning
Miss Ophelia Y.S. Wong

Chairperson

Dr. Peter K.K. Wong

Vice-chairman

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Thomas Thumb

Assistant Director(2), Home Affairs Department
Mr. Patrick Li

Assistant Director (Environmental Assessment and Noise),
Environmental Protection Department
Mr. Elvis W.K. Au

Assistant Director (Kowloon), Lands Department
Mr. A.K. Paton

Deputy Director of Planning/District
Mr. Raymond T.L. Chiu

Secretary

Absent with Apologies

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mrs. Angelina P.L. Lee

Mr. K.G. McKinnell

Dr. Pamela R. Rogers

Mr. Erwin A. Hardy

In Attendance

Assistant Director of Planning/Board

Mr. P.Y. Tam

Chief Town Planner/Town Planning Board

Miss Fiona S.Y. Lung

Town Planner/Town Planning Board

Mr. Anthony K.O. Luk

Agenda Item 1

Confirmation of the Draft Minutes of the 308th MPC Meeting held on 29.7.2005

[Open Meeting]

1. The draft minutes of the 308th MPC meeting held on 29.7.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) **Town Planning Appeal Decision Received**

Town Planning Appeal No. 7 of 2004

Proposed Temporary Golf Driving Range

in “Green Belt” and “Recreation” Zones

Lots 228, 229, 231-235, 237-241, 243-250, 252-259, 261-273, 275-279, 283-288, 290-292 in DD 247 and Adjoining Government Land,

Ho Chung, Sai Kung

(Application No. A/SK-HC/110)

2. The Secretary reported that the captioned appeal, which was heard by the Town Planning Appeal Board (TPAB) on 1.6.2005 and 2.6.2005, was dismissed by TPAB on 29.7.2005. A copy of the Summary of Appeal and the TPAB’s decision were tabled at the meeting for Members’ reference.

3. The Secretary said that the appeal was against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/SK-HC/110) for a temporary golf driving range for a period of 1 year at a site zoned “Green Belt” (“GB”) and “Recreation” on the approved Ho Chung Outline Zoning Plan No. S/SK-HC/5. The s.17 review application was rejected by TPB on 2.4.2004.

(ii) **New Town Planning Appeal Received**

- (a) Town Planning Appeal No. 15 of 2005 (15/05)
Proposed Temporary Plastic Recycling Centre
for a Period of 3 Years in “Open Storage” Zone
Lots 334B(part), 334C(part), 334D(part), 334E(part), 334F(part) and Adjoining
Government Land in DD 95, Kwu Tung North, Sheung Shui
(Application No. A/NE-KTN/113)
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4. The Secretary reported that the TPAB on 28.7.2005 received an appeal against the decision of the TPB on 20.5.2005 to reject on review an application (No. A/NE-KTN/113) for temporary plastic recycling centre for a period of 3 years at a site zoned “Open Storage” on the draft Kwu Tung North OZP No. S/NE-KTN/6. The hearing date of the appeal was yet to be fixed.

- (b) Town Planning Appeal No. 17 of 2005 (17/05)
Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Agriculture” Zone
Lots T128(part), 2806RP(Part), 2807RP and
Adjoining Government Land in DD 51, Tong Hang, Fanling
(Application No. A/NE-LYT/291)
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5. The Secretary reported that the TPAB on 8.8.2005 received an appeal against the decision of the TPB on 3.6.2005 to reject on review an application (No. A/NE-LYT/291) for temporary open storage of construction materials for a period of 3 years at a site zoned “Agriculture” on the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/10. The hearing date of the appeal was yet to be fixed.

(iii) Appeal Statistics

6. The Secretary said that as at 12.8.2005, 23 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	12
Dismissed	:	81
Abandoned/Withdrawn/Invalid	:	109
Yet to be Heard	:	23
<u>Decision Outstanding</u>	:	<u>2</u>
Total	:	227

Kowloon District

[Mr. Raymond K.W. Lee, District Planning Officer/Kowloon (DPO/K), and Mr. Kelvin K.W. Chan, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/K13/198 Proposed Shop and Services
(Retail Shop/Bank/Real Estate Agency)
in “Other Specified Uses” annotated “Business” zone,
Unit 1B, G/F, International Plaza,
20 Sheung Yuet Road,
Kowloon Bay
(NKIL 5836)

(MPC Paper No. A/K13/198)

Presentation and Question Session

7. With the aid of a Powerpoint presentation, Mr. Kelvin K.W. Chan, STP/K, covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (retail shop/bank/real estate agency);
- (c) departmental comments (viz. while the District Lands Officer/Kowloon East had commented that the proposed uses were be in breach of the user restriction of the lease and a temporary waiver/lease modification would be required, other concerned departments had no objection to the application);
- (d) the District Officer (Kwun Tong) had not received any adverse comment on the application and no public comments were received; and
- (e) the Planning Department's views and that it had no objection to the application.

8. Members had no question on the application.

Deliberation Session

9. Members generally considered that the proposed uses were acceptable. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 12.8.2009, 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 proposed retail shop/bank/real estate agency should be completely separated from the industrial portion of the subject building by proper fire resistance construction and design to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the provision of means of escape and fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of

the Town Planning Board.

10. The Committee also agreed to advise the applicant of the following :
- (a) consult the District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver or lease modification for the proposed retail shop/bank/real estate agency;
 - (b) consult the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) regarding the provision of a fire resistance separating wall between the application premises and the remaining area of the workshop;
 - (c) consult CBS/K, BD regarding the provision of access and facilities for persons with disability; and
 - (d) all loading/unloading activities should observe road restriction requirements in force.
- (ii) A/K13/199 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years
in “Other Specified Uses” annotated “Business” zone,
Unit 1A, G/F, Fook Hong Industrial Building,
19 Sheung Yuet Road,
Kowloon Bay
(NKIL 5835)

 (MPC Paper No. A/K13/199)

Presentation and Question Sessions

11. With the aid of a Powerpoint presentation, Mr. Kelvin K.W. Chan, STP/K, covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed shop and services (real estate agency);
- (c) departmental comments (viz. while the District Lands Officer/Kowloon East had commented that the proposed use was be in breach of the user restriction of the lease and a temporary waiver/lease modification would be required, other concerned departments had no objection to the application);
- (d) the District Officer (Kwun Tong) had advised that the key office bearers of Kwun Tong West Area Committee were consulted. Half of the respondents supported the application, while the other half had no comment;
- (e) no public comments were received; and
- (f) the Planning Department's views and that it had no objection to the application.

12. Members had no question on the application.

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

Deliberation Session

13. The Chairperson remarked that the concerned Government departments, including the Fire Services Department, had no objection to the application. Members generally considered that the proposed use was acceptable.

14. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 12.8.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the proposed real estate agency should be completely separated from the

industrial portion of the subject building by proper fire resistance construction and design to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

- (b) the provision of means of escape and fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) consult the District Lands Officer/Kowloon East, Lands Department on the need of lease modification or waiver for the real estate agency use;
- (b) consult the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) regarding the provision of a fire resistance separating wall between the application premises and the remaining area of the workshop;
- (c) consult CBS/K, BD regarding the provision of access and facilities for persons with disability; and
- (d) all loading/unloading activities should observe road restriction requirements in force.