

TOWN PLANNING BOARD

**Minutes of 311th Meeting of the
Metro Planning Committee held on 9.9.2005**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Mrs. Angelina P.L. Lee

Mr. K.G. McKinnell

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. Erwin A. Hardy

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

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

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Dr. Pamela R. Rogers

Professor N.K. Leung

Deputy Director (General), Lands Department
Mr. J.S. Corrigall

In Attendance

Assistant Director of Planning/Board
Mr. P.Y. Tam

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

Town Planner/Town Planning Board
Miss Jessica K.T. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 310th MPC Meeting held on 26.8.2005

[Open Meeting]

1. The draft minutes of the 310th MPC meeting held on 26.8.2005 were confirmed subject to some minor typo amendments in paragraphs 31(g), 32(j), 33(a) and 33(c).

Agenda Item 2

Matters Arising

[Open Meeting]

2. There were no matters arising to report.

Tsuen Wan and West Kowloon District

[Mr. Michael C.T. Ma, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Miss Erica S.M. Wong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/209 Proposed Massage Establishment (within a Proposed Beauty Parlour)
in “Commercial zone,
Shop 2, G/F, The Toy House,
100 Canton Road,
Tsim Sha Tsui
(KIL 3543, 3544, 3545, 3546, 3547, 3548, 3549 and 3550)

(MPC Paper No. A/K1/209)

Presentation and Question Sessions

3. Miss Erica S.M. Wong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed massage establishment (within a proposed beauty parlour) on G/F of a commercial/office building;
- (c) departmental comments - no adverse comments from concerned Government departments were received;
- (d) two public comments - one indicating no objection whilst the other raising concern on the potential nuisance to the local residents. No local objection was received; and
- (e) the Planning Department's views - the Planning Department had no objection to the application as the proposed use was in compliance with the planning criteria given in the Town Planning Board Guidelines No. 14B.

4. Members had no question on the application.

Deliberation Session

5. The Chairman remarked that all concerned Government departments, including the Director of Fire Services, had no objection to the application.

6. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the provision of fire service installation to the satisfaction of the Director of Fire Services or of the Town Planning Board. The permission should be valid until 9.9.2009, 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.

7. The Committee also agreed to advise the applicant of the following:
- (a) the Director of Buildings should be consulted on matters related to the compliance with the Buildings Ordinance and Regulations;
 - (b) the Director of Fire Services should be consulted on the requirements of fire safety provisions within the application premises; and
 - (c) the Commissioner of Police should be consulted on the licensing requirements for a massage establishment.

[The Chairman thanked Mr. Michael C.T. Ma, DPO/TWK, and Miss Erica S.M. Wong, STP/TWK, for their attendance to answer Members' enquiries. Mr. Ma and Miss Wong left the meeting at this point.]

Kowloon District

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

[Mr. Thomas Thumb joined the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K13/201 Shop and Services (Newspaper Stand/
Fast Food Shop/Financial Institution Outlet)
in "Other Specified Uses" annotated "Business" zone,
Unit 2, G/F, Fook Hong Industrial Building,
19 Sheung Yuet Road,
Kowloon Bay
(NKIL 5835)

(MPC Paper No. A/K13/201)

Presentation and Question Sessions

8. Mr. C.C. Lau, STP/K, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the shop and services (newspaper stand/fast food shop/financial institution outlet) on G/F of an industrial building;
- (c) departmental comments - no adverse comments from concerned Government departments were received;
- (d) no public comment and no local objection was received; and
- (e) the Planning Department's views - the Planning Department had no objection to the application as the proposed use was in compliance with the planning criteria given in the Town Planning Board Guidelines No. 22B.

9. Referring to paragraph 6.2 of the Paper, the Chairman enquired about the reason of rejecting a similar application on G/F of the subject building, while the other two similar applications were approved. Mr. Raymond K.W. Lee, DPO/K, responded that the similar application (No. A/K13/153) was rejected by the Committee in 2001 as the proposed use was considered not acceptable from fire safety point of view.

10. A Member asked about the provision of lavatory facilities in the fast food shop. In reply, Mr. Raymond Lee said that, according to the applicant, part of the application premises would be refurbished for fast food shop use by extending the bar area and removing the seating places. Referring to Drawing A-2 of the Paper, Mr. Lee added that one male and one female lavatories would be provided in the application premises.

Deliberation Session

11. The Chairman remarked that all concerned Government departments, including the Director of Fire Services, had no objection to the application.

12. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) the newspaper stand/fast food shop/financial institution outlet uses under application 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.

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

- (a) the District Lands Officer/Kowloon East, Lands Department should be consulted on the need of lease modification or waiver for the newspaper stand/fast food shop/financial institution outlet uses;
- (b) a valid food licence should be obtained from the Director of Food and Environmental Hygiene; and
- (c) all loading/unloading activities should observe road restriction requirements in force.

Deliberation Session

16. 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 9.9.2009, 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/estate agency uses 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.

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

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

other similar applications.

19. A Member asked whether the application was submitted by the owner of the application premises. Mr. Raymond K.W. Lee, DPO/K, responded in the affirmative. Another Member asked whether the 11 carparking spaces were being used and where the residents of the building would park their cars should the application be approved. Referring to Plans A-2 and A-3 of the Paper, Mr. Raymond Lee said that, according to the applicant, there was a total of 28 car parking spaces serving 36 domestic units in the subject building and the parking spaces under application had not been used to park cars belonging to the residents of the building. In addition to the 11 parking spaces located on the garage/basement floor, car parking spaces were also found on the open area at the rear of the building facing Kent Court and on the ramp abutting Boundary Street.

Deliberation Session

20. Referring to paragraph 5 of the Paper, the Chairman enquired about the previously rejected applications relating to the application premises between 1980 and 1992. Mr. Raymond Lee said that the Town Planning Board had previously rejected 11 applications for conversion of portion of the application premises into various shop and services uses between 1980 and 1992 when the subject site was zoned "Residential (Group B)" ("R(B)"). On 24.12.1993, the subject site was rezoned from "R(B)" to "Residential (Group C)" ("R(C)"). There was no similar/previous planning application for 'shop and services' use in the subject "R(C)" zone on the approved Kowloon Tong Outline Zoning Plan No. S/K18/11.

[Mr. Leslie H.C. Chen joined the meeting at this point.]

21. In response to a Member's enquiry on the guidelines for carparking ratio in the area, Mr. Raymond Lee said that one car parking space per flat was specified under the lease. According to the Hong Kong Planning Standards and Guidelines, one car parking space was required for 1 to 1.5 flats in the subject Zone 3 area. Another Member pointed out that the proposed conversion would render a loss of almost one-third of the parking facilities originally designed and built to serve the subject residential building.

22. Noting that the garages had never been used to park cars and the owners of the application premises had made repeated attempts to convert the application premises to other

uses, a Member asked whether sympathetic consideration could be given to approving the application. The Chairman remarked that the proposed medical use would attract members of the general public and the associated traffic impacts might be substantial. It was a commercial decision of the owner not to rent out the garage with a view to converting it to 'shop and services' use.

23. Having regard to the AC for T/U, TD's comments, a Member considered the application should not be approved as the proposal would attract illegal parking at Ho Tung Road and Boundary Street and worsen the traffic condition in the surrounding areas. Another Member shared this view and supplemented that the application premises was located within a tranquil residential neighbourhood with a number of primary and secondary schools. The approval of the application would set an undesirable precedent for other similar applications jeopardizing the traffic safety in the vicinity.

24. A Member noted that the garage had previously been leased out for carrying out car repairing work. The Chairman remarked that car repairing work was a non-conforming use which should not be allowed at the subject site.

25. After deliberation, the Committee decided to reject the application and the reasons were:

- (a) the proposed development was not compatible with the surrounding area which was predominantly residential in character;
- (b) the loss of ancillary car parking spaces of the subject building and the non-provision of car parking and loading/unloading facilities for the proposed use were not acceptable. The proposed use would have adverse impact on the traffic condition in the vicinity; and
- (c) the approval of the application would set an undesirable precedent for other similar applications for non-residential uses in the area leading to the intrusion of commercial uses into the low-density residential neighbourhood and further degradation of the residential neighbourhood.