

TOWN PLANNING BOARD

**Minutes of 312th Meeting of the
Metro Planning Committee held on 23.9.2005**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mrs. Angelina P.L. Lee

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 (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

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

Secretary

Absent with Apologies

Dr. Peter K.K. Wong

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mr. K.G. McKinnell

Mr. S.L. Ng

Dr. Pamela R. Rogers

Dr. Greg C.Y. Wong

Mr. Erwin A. Hardy

Mr. Tony W.C. Tse

Deputy Director (General), Lands Department

Mr. J.S. Corrigan

Assistant Director(2), Home Affairs Department

Mr. Patrick Li

In Attendance

Assistant Director of Planning/Board

Mr. P.Y. Tam

Chief Town Planner/Town Planning Board

Ms. Brenda K.Y. Au

Town Planner/Town Planning Board

Mr. Tony Y.C. Wu

Agenda Item 1

Confirmation of the Draft Minutes of the 311th MPC Meeting held on 9.9.2005

1. The draft minutes of the 311th MPC meeting held on 9.9.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) New Town Planning Appeals Received

(a) Town Planning Appeal No. 18 of 2005

Proposed Comprehensive Residential/Commercial Development with Government, Institution and Community and Open Space Uses in “Comprehensive Development Area” zone of Land Development Corporation Lee Tung Street and McGregor Street Development Scheme Plan Area, Wan Chai
(Application No. A/H5/349)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 15.9.2005 received an appeal against the decision of the Town Planning Board (TPB) on 22.7.2005 to reject on review an application (No. A/H5/349) for comprehensive residential/commercial development with government, institution and community and open space uses at a site zoned “Comprehensive Development Area” on the Land Development Corporation Lee Tung Street and McGregor Street Development Scheme Plan. The hearing date of the appeal was yet to be fixed.

(b) Town Planning Appeal No. 19 of 2005
Temporary Container Vehicle and Lorry Park
for a Period of 3 Year in “Undetermined” zone
Lots 120(Part), 121, 122, 246RP(Part), 247, 248A, 248B,
248RP(Part), 249RP, 250RP and 254RP in DD122, Ping Shan, Yuen Long
(Application No. A/YL-PS/206)

3. The Secretary reported that the TPAB on 16.9.2005 received an appeal against the decision of the TPB on 8.7.2005 to reject on review an application (No. A/YL-PS/206) for temporary container vehicle and lorry park for a period of 3 years at a site zoned “Undetermined” on the approved Ping Shan Outline Zoning Plan. The hearing date of the appeal was yet to be fixed.

(iii) Appeal Statistics

4. The Secretary said that as at 23.9.2005, 22 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	12
Dismissed	:	81
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	22
<u>Decision Outstanding</u>	:	<u>3</u>
Total	:	229

- (e) the Planning Department's views – the Planning Department had no objection to the application as the tutorial school use was not incompatible with the other uses in the surrounding areas and was not expected to generate adverse impact on the area, and relevant Government departments had no objection to the application.

6. Members had no question on the application.

Deliberation Session

7. The Chairman remarked that the applied tutorial school was small in scale and there were no adverse comments from relevant Government departments.

8. 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 of the provision of fire service installations for the tutorial school to the satisfaction of the Director of Fire Services or of the Town Planning Board.

9. The Committee also agreed to advise the applicant to:

- (a) consult the Registration Section, Education and Manpower Bureau on the school registration process under the Education Ordinance/Regulations; and
- (b) consult the Buildings Department regarding building works matters.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/K13/203 Proposed Hotel Use in “Commercial” zone,
Junction of Kai Cheung Road and Wang Kwong Road,
Kowloon Bay
(NKIL 6314 – Proposed)
(MPC Paper No. A/K13/203)
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10. As the application was submitted by the District Lands Officer/Kowloon East, Lands Department, Mr. J.S. Corrigan, Deputy Director (General), Lands Department had declared an interest in this item. The Committee noted that Mr. Corrigan had tendered his apologies for being unable to attend the meeting.

Presentation and Question Session

11. Mr. K.S. Ng, STP/K, presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;
- (b) the proposed hotel use, which was to enhance marketability of the sale site and land use flexibility for future development;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) public comments – two public comments were received. One of the commenters agreed to the proposed hotel use. The other questioned whether the Town Planning Board (the Board) would be able to consider the application based on the limited information provided by the applicant and whether similar consideration would be given had the application not been submitted by a Government department; and
- (e) the Planning Department's views – the Planning Department had no objection to the application as the proposed hotel use was not incompatible with the surrounding developments and was not expected to generate significant adverse impact on the area, and relevant Government departments had no objection to the application. As regards the second public comment mentioned above, relevant developments' requirements would be included in the Conditions of Sales for the site. As such, detailed development parameters and building layouts for the proposed

hotel use were not required at this stage.

12. Mr. Raymond K.W. Lee, DPO/K, added that after the expiry of the 3-week public inspection period for the application, the second commenter sent a letter to the Board on 21.9.2005 elaborating her concerns. As the letter was received after the expiry of the statutory period for public comments, it should be treated as not having been made. In response to the concern raised by this commenter in her letter of 1.9.2005 (Appendix II(a) of the Paper), Mr. Lee said that the Board, in considering some other applications for hotel developments, had raised concerns on possible subsequent conversion of the hotel rooms to flats and whether there were sufficient control measures to prevent such abuse. To address the concerns, the Board had required the applicants to submit detailed development parameters and building layouts to demonstrate that their proposals were genuinely for hotel use. The subject application under consideration was different as the concerns could be addressed by incorporating a non-alienation clause in the Conditions of Sales for the subject site. The future development would also be subject to a maximum plot ratio of 12 and a maximum building height (BH) of 140mPD under the lease to tally with the restrictions on the Ngau Tau Kok and Kowloon Bay Outline Zoning Plan. This approach had been accepted by the Committee in approving two similar applications for hotel use in the Kowloon Bay Business Area (KBBA) submitted also by the Lands Department (Applications No. A/K13/177 and 197).

13. Major questions raised by the Members were as follows:

- (a) if the application was approved, whether the applicant could proceed with other types of commercial development instead of hotel and, if the future landowner decided to develop a hotel, whether he would need to submit further details of the proposed hotel to the Board for consideration;
- (b) whether an applicant for hotel development on another site with a non-alienation clause under the lease would be treated the same as the Lands Department in terms of the amount of details that needed to be submitted to the Board for consideration;

- (c) referring to Photo 1 on Plan A-3 in the Paper, whether the future development on the subject site with a plot ratio of 12 would block the north-south visual corridor along the adjoining open space towards the harbour; and
- (d) taking account of the many approvals granted by the Board for hotel developments in the area, whether there would be any over-supply of hotel accommodation in future.

14. In responses to Members' questions, Mr. Raymond K.W. Lee made the following points:

- (a) the application was to allow flexibility to include hotel as one of the permitted uses under the Conditions of Sales for the subject site. As the site was zoned "Commercial" and a range of commercial uses were always permitted, the actual development on the site might not necessarily be a hotel. If the subject application was approved and the future landowner chose to develop a hotel, no further application to the Board would be necessary;
- (b) the amount of details needed to be submitted would depend on the circumstances of individual cases; and
- (c) Photo 1 on Plan A-3 was in fact taken from west to east. The open space was located to the north of the application site. Under the relevant Outline Zoning Plan, the site was subject to a maximum BH of 140mPD which was the same as that stipulated for the existing building to the northwest of the site. Other sites to the south were subject to BH restrictions ranging from 120mPD to 170mPD, with lower BH of 15mPD to 60mPD stipulated for the "Government, Institution or Community" sites. BH restrictions were imposed in the KBBA to preserve public views and to enhance the urban environment.

15. The Chairman also made the following points:
- (a) the Committee had previously requested the Secretariat to prepare a set of guidelines to facilitate consideration of applications for hotel use. The guidelines should include the principles and practices adopted by the Board in considering hotel applications, including the amount of details to be submitted under different circumstances; and
 - (b) regarding the concern on possible over-supply of hotel accommodation, it would be difficult for the Board to balance the supply and demand, which should better be left to market forces. Nevertheless, the Secretariat had previously been requested to compile statistics on the numbers of applications for hotel developments approved by the Board and the number of cases actually implemented for Members' reference. The Chairman urged the Secretariat to expedite preparation of the guidelines and compilation of the statistics.

Deliberation Session

16. The Chairman remarked that there was no adverse comment on the application from relevant Government departments and the public with regard to the compatibility of the proposed hotel use with surrounding developments. The main concern raised by one commenter was whether there was any double standard in terms of the amount of information required from a Government department vis-à-vis other applicants. The Committee had previously required applicants to submit relevant details of their hotel developments to ensure that the proposals were genuinely for hotel use, particularly for cases involving unrestricted leases in the urban areas. The issue to consider was whether the same requirements should be applied to applications submitted by the Lands Department for land sale sites.

17. Members then had a lengthy discussion on the application. The major views and comments of Members were as follows:

Amount of information to be submitted

- (a) A Member said that all applicants, irrespective of whether they were Government departments or not, should be treated equally. This Member asked whether it was possible, after the granting of planning permission for the hotel use, to require further submission of a detailed hotel development proposal from the future developer before the development was implemented. The Chairman responded that if the application was approved, no further submission to the Board would be required. Development details of the proposed hotel, if implemented, would instead be vetted by the relevant Government departments at the stages of building plan submission and checking for compliance with the lease conditions;

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

- (b) Members agreed in principle that double standard should be avoided, and sought clarification on the differences, if any, between this and previous cases. The Chairman pointed out that for this application, since the subject site was a land sale site, it was possible to incorporate appropriate clauses in the Conditions of Sales for the site to avoid abuse after granting of planning permission and to control the development parameters of the future hotel use. As such, the level of details required in this application could be less than that required in applications involving private lots. To give future applicants a clearer idea of the distinction between applications involving land sale sites and those involving private lots, such guidance notes should be set out in the guidelines under preparation by the Secretariat;

[Mrs. Angelina P.L. Lee arrived to join the meeting at this point.]

Statistics on hotel developments

(c) Some Members were concerned about the large number of applications for hotel developments already approved by the Board. While agreeing that the supply and demand of hotel accommodation could be left to market forces, a Member opined that the Board should keep an eye on the supply side to avoid oversupply. As such, information on the number of hotel applications approved by the Board, number of hotel rooms proposed and the progress of implementation should be compiled by the Secretariat for Members' reference. In response to the Secretary's remark that there were hotels developed on other commercial sites outside the planning permission system and the Tourism Commission should have more complete information on future supply of hotels, a Member suggested that such information should also be included in the statistics being compiled by the Secretariat. The Chairman agreed that this should be done. He also pointed out that although there had been quite a number of hotel applications approved by the Board, there were relatively few cases actually implemented, showing that the market would be finding its own equilibrium;

(d) a Member said that in order to have greater certainty in the estimate of hotel supply, a time limit should be imposed for implementation of the approved proposals. The Chairman responded that under the Board's current guidelines, a time limit of 4 years for commencement of an approved development was imposed, which could be extended for a maximum of 4 years; and

Suitability of the site for hotel use

(e) The Chairman said that in considering an application, the key consideration should be whether the site was suitable and feasible for hotel use. For other hotel applications involving sites with significant constraints, such as small size and proximity to incompatible uses, the applicants should be required to provide more details to demonstrate that

their proposals were feasible or the constraints could be resolved. For the current application, the site was located within the KBBA which was well served with road and other infrastructures. The site was large enough for proper hotel design and inclusion of back-of-house and loading/unloading facilities, and there was no serious interface problem. With plot ratio and building height restrictions and a non-alienation clause incorporated in the lease conditions, the proposed hotel use on the site could be properly controlled and would not generate any adverse impact on the surrounding areas. The guidelines under preparation could include such assessment criteria for considering hotel applications. A Member also considered that the site was suitable for hotel use and such development would be beneficial to the KBBA.

18. After further 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 23.9.2009, 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 submission of a sewerage impact assessment and implementation of the sewage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the provision of water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the design and provision of parking facilities and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the submission of a Traffic Impact Assessment, and implementation of the improvement works identified therein, to the satisfaction of the

Commissioner for Transport or of the Town Planning Board;

- (e) the submission and implementation of landscaping proposals, including amenity and/or street tree planting at ground level to improve the streetscape setting, to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (f) the design and disposition of building block(s) for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) an appropriate non-alienation clause should be incorporated in the Conditions of Sales for the application site to prevent possible future conversion of the development at the site into residential use;
- (b) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development and any gross floor area exemption for back-of-house facilities would be granted by the Building Authority. The future developer should approach the Buildings Department direct to obtain the necessary approval; and
- (c) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be followed when carrying out works in the vicinity of underground electricity cables.

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

[Open Meeting (Presentation and Question Session only)]

- (iii) A/K14/476 Proposed Hotel Use
in “Other Specified Uses” annotated “Business” zone,
Junction of Wai Yip Street, Shun Yip Street and Hoi Bun
Road, Kwun Tong
(NKIL 6269 – Proposed)
(MPC Paper No. A/K14/476)
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20. As the application was submitted by the District Lands Officer/Kowloon East, Lands Department, Mr. J.S. Corrigan, Deputy Director (General), Lands Department had declared an interest in this item. The Committee noted that Mr. Corrigan had tendered his apologies for being unable to attend the meeting. Mr. Nelson W.Y Chan had also declared an interest in this item as he had previously made comments on the application.

[Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

Presentation and Question Session

21. Mr. K.S. Ng, STP/K, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed hotel use, which was to enhance marketability of the sale site and land use flexibility for future development;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) public comments – seven public comments were received. The comments were mainly related to concerns on possible environmental and noise nuisances, traffic impact, design and disposition aspect and

provision of car parking and loading/unloading facilities of the proposed hotel use. One of the commenters (Appendix III(g) of the Paper) questioned whether the Town Planning Board (the Board) would be able to consider the application based on the limited information provided by the applicant and whether similar consideration would be given had the application not been submitted by a Government department; and

- (e) the Planning Department's views – the Planning Department had no objection to the application as the proposed hotel use was not incompatible with the surrounding developments and was not expected to generate significant adverse impact to the area, and relevant Government departments had no objection to the application. As regards the public comment at Appendix III(g) of the Paper as mentioned above, relevant developments' requirements would be included in the Conditions of Sales for the site. As such, detailed development parameters and building layouts for the proposed hotel use were not required at this stage.

22. Mr. Raymond K.W. Lee, DPO/K, added that the public comment at Appendix III(g) of the Paper had also been raised on Application No. A/K13/203 which had just been considered by the Committee. After the expiry of the 3-week public inspection period for the application, the commenter sent a letter to the Board on 21.9.2005 elaborating her comments on both applications. As the letter was received after the statutory period for public comments, it should be treated as not having been made.

23. Members had no question on the application.

Deliberation Session

24. The Chairman said that the principles adopted by the Committee in considering Application No. A/K13/203 should also be applied to the current application.

25. Referring to the public comments made on the application, a Member raised concerns on the proposed hotel use in respect of the possible traffic and visual impacts. In

response, Mr. Raymond K.W. Lee said that should the application be approved, appropriate conditions in respect of the design and provision of parking and loading/unloading facilities, submission of a Traffic Impact Assessment (TIA), and design and disposition of building block(s) could be imposed to address the concerns. Corresponding clauses could also be incorporated in the Conditions for Sales of the site to ensure that the planning conditions would be fulfilled.

26. A Member said that to ensure no insurmountable traffic constraints for implementation of the proposed hotel use, the applicant should employ consultants or request the relevant Government department to undertake a TIA for the application. This could also address the public comment on the issue of double standard. In response, the Chairman said that the issue of double standard had already been discussed in detail during consideration of Application No. A/K13/203. On the application under consideration, no objection was raised from relevant Government departments, including the Transport Department. Details of the hotel development could be worked out at the implementation stage.

27. The same Member suggested that as the site was located on the harbour-front, the applicant should request the Architectural Services Department to assist and undertake a blocking study for the future development on the site. Some design requirements could then be formulated and incorporated into a planning brief to guide the future development. The Chairman said that the Planning Department could relay this suggestion to the applicant and the design aspect could be addressed under the lease.

28. 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 23.9.2009, 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 provision of water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;

- (b) the design and provision of parking facilities and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the setting back of the site boundary along Hoi Bun Road and Shun Yip Street to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the submission of a Traffic Impact Assessment, and implementation of the improvement works identified therein, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission and implementation of a landscape proposal, including an amenity and/or street tree planting proposal at ground level to improve the streetscape setting, to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (f) the design and disposition of building block(s) for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) an appropriate non-alienation clause should be incorporated in the Conditions of Sales for the application site to prevent possible future conversion of the development at the site into residential use; and
- (b) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development and any gross floor area exemption for back-of-house facilities would be granted by the Building Authority. The future developer should approach the Buildings Department direct to obtain the necessary approval.

[Professor N.K. Leung left the meeting temporarily and Mr. Nelson W.Y Chan returned to the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iv) A/K14/477 Proposed Shop and Services (Bank)
in “Other Specified Uses” annotated “Business” zone,
G/F (Part), Yen Sheng Centre,
64 Hoi Yuen Road, Kwun Tong
(MPC Paper No. A/K14/477)
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Presentation and Question Session

30. Mr. K.S. Ng, STP/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 (bank) use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) public comments – four public comments were received. There were no objection or adverse comments on the application; and
- (e) the Planning Department’s views – the Planning Department had no objection to the application as the proposed use complied with the Town Planning Board Guidelines for Development within the “Other Specified Use” annotated “Business” Zone and would not induce adverse fire safety and environmental impacts, and relevant Government departments had no in-principle objection or adverse comments on the application.

[Professor N.K. Leung returned to the meeting and Mr. Daniel B.M. To left the meeting temporarily at this point.]

31. The Chairman noted that amongst the four public comments received, two indicated support for the application.

Deliberation Session

32. The Chairman remarked that the proposed bank use was small in scale and no adverse comments on the application were raised by the public and the relevant Government departments including the Fire Services Department and Transport Department.

33. 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 23.9.2009, 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 complete separation of the proposed bank at the application premises from industrial occupancies of the subject building by suitable fire resistance period and design to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the provision of fire services installation to the satisfaction of the Director of Fire Services or of the Town Planning Board.

[Open Meeting (Presentation and Question Session only)]

- (v) A/K14/478 Minor Relaxation of Building Height Restriction
in “Other Specified Uses” annotated “Business” zone,
223-231 Wai Yip Street and 39 King Yip Street,
Kwun Tong
(KTIL 744)

(MPC Paper No. A/K14/478)

34. The application was submitted by the Profit System Development Limited,

which was a subsidiary company of the Henderson Land Development Company Limited (HLDCL). Mr. Tony W.C. Tse and Mrs. Angelina P.L. Lee, being the General Manager of Sales Department and a non-executive director of HLDCL respectively, and Dr. P.R. Rogers, having current business dealings with HLDCL, had declared interests in this item. Mr. Tse and Dr. Rogers had tendered their apologies for being unable to attend the meeting. As the applicant had requested for a deferral of the consideration of the application, Mrs. Lee was allowed to stay at the meeting.

35. The Committee noted that the applicant requested on 16.9.2005 for a deferment of the consideration of the application for two months to allow time for preparation of supplementary information to address the relevant Government departments' concerns on the proposed office/retail development.

Deliberation Session

36. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a maximum period of two months was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Session only)]

(vi) A/K18/231 Proposed School (Cosmetic Career Centre)
in "Residential (Group C)1" zone,
16 Kent Road, Kowloon Tong
(NKIL 882)
(MPC Paper No. A/K18/231)

37. As the application was submitted by the Caritas - Hong Kong, Dr. K.K. Wong, being a Council Member of the Caritas Bianchi College of Commerce, had declared an

interest in this item. Dr. Wong had tendered his apologies for being unable to attend the meeting. Mr. Stanley Y.F. Wong also declared an interest in this item for being the Chairman of the Fund-raising Committee of the Caritas. Members considered Mr. Wong's interest indirect, and Mr. Wong was allowed to stay at the meeting.

[Mr. Daniel B.M. To returned to the meeting at this point.]

Presentation and Question Session

38. Mr. K.S. Ng, STP/K, presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;
- (b) the proposed school (cosmetic career centre) use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) public comments – three public comments were received. While one of them indicated no comment on the application, the other two raised objections for reasons of possible adverse traffic impact, noise and air pollution, nuisance on the living environment and too many schools in the area; and
- (e) the Planning Department's views – the Planning Department had no objection to the application as the proposed use was not incompatible with the surrounding residential areas and would not cause adverse impact on the traffic, environment and infrastructural provision in the area. As regards the public objection to the application, relevant Government departments had no objection to the application.

39. Members had no question on the application.

Deliberation Session

40. A Member asked about the meaning of 'front and range clause' in the lease as stated on the first page of the Paper. Mr. Raymond K.W. Lee, DPO/K, replied that the clause was found in some old Government leases, which required the buildings to be built on the lot to front and range in a uniform manner with buildings immediately adjacent or in the same street. The clause was common in the leases of the lots in Kowloon Tong area, which used to be a Garden Estate.

41. The Chairman said that traffic and tree preservation were two major issues of concern for developments in the Kowloon Tong area and asked whether these issues were satisfactorily addressed in the application. Mr. Raymond K.W. Lee replied that according to the Assistant Commissioner for Transport/Urban, the proposed use would not cause adverse traffic impact on the surrounding road network and the provision of carparking facilities proposed by the applicant was acceptable. As the proposed use only involved the conversion of an existing building, the existing vegetation within the site would not be affected.

42. 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 23.9.2009, 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 provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) structural calculation/assessment on loading for the proposal should be submitted to the Building Authority for formal approval;
- (b) the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations;
- (c) the Director of Fire Services should be consulted on the licensing requirements of the cosmetic career centre on automatic sprinkler system, fire hydrant/hose reel system, smoke detection system and emergency lighting; and
- (d) the Registration Section of the Education and Manpower Bureau should be consulted on the registration requirements under the Education Ordinance/Regulations.

[The Chairman thanked Mr. Raymond K.W. Lee, DPO/K, and Mr. K.S. Ng, STP/K, for their attendance to answer Members' enquiries. Messrs. Lee and Ng left the meeting at this point.]

[Mr. Elvis W.K. Au left the meeting temporarily at this point.]

Hong Kong District

[Mr. Roy C.H. Li, District Planning Officer/Hong Kong (DPO/HK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Session only)]

A/H5/352 Proposed Massage Establishment
 in “Commercial/Residential” zone,
 7/F, 126-128 Lockhart Road, Wan Chai
 (MPC Paper No. A/H5/352)

Presentation and Question Session

44. Mr. Roy C.H. Li, DPO/HK, presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;
- (b) the proposed massage establishment use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) public comments – two public comments were received. One of the comments was made by a tenant of the same building who raised strong objection to the application. This commenter believed that with the approval of the application, more massage establishments would progressively move in, and the image of the building and his company would be seriously affected. The other comment was made by the management company of the same building, which neither supported nor raised objection to the application but took an open view on it; and
- (e) the Planning Department’s views – the Planning Department had no objection to the application as the proposed massage establishment was not incompatible with the surrounding developments and the uses existing within the subject commercial building, and the application was generally in line with the planning criteria set out in the Town Planning

Board Guidelines for Application for Commercial Bathhouse and Massage Establishment.

45. Major questions raised by the Members were as follows:
- (a) whether there was any owners' corporation (OC) or management committee (MC) formed for the subject building and whether they had been consulted on the application; and
 - (b) where were the restaurants and pubs in the building, and whether there were any other massage establishments operating in the building.
46. In responses to Members' questions, Mr. Roy Li made the following points:
- (a) there was no indication from the District Officer (Wan Chai)'s comments as stated in paragraph 9.1.5. of the Paper that any OC or MC had been formed for the building. To inform the owners/tenants of the building of the application and to invite them to give comments, a site notice in respect of the application had been posted at the building. The management company of the building took an open view; and
 - (b) the existing restaurants and pubs were located on the lower three floors of the building. Other premises in the building were mainly used as office.

Deliberation Session

47. The Chairman said that for an application for massage establishment, favourable consideration would normally be given if the proposal was compatible with other uses in the same building and the surrounding developments. He remarked that the application premises was located in a commercial building on Lockhart Road, Wan Chai and the Committee had previously approved quite a number of similar applications in the area.

48. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that fire services installations should be provided to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 23.9.2009, 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.

49. The Committee also agreed to advise the applicant to note the comments of the Chief Building Surveyor/Hong Kong East, Buildings Department, the Director of Fire Services, the Commissioner of Police and the District Officer (Wan Chai) and the public comments in paragraphs 9.1.1, 9.1.3, 9.1.4, 9.1.5 and 10 of the Paper respectively.

[The Chairman thanked Mr. Roy C.H. Li, DPO/HK, for his attendance to answer Members' enquiries. Mr. Li left the meeting at this point.]

Tsuen Wan and West Kowloon District

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

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Session for only)]

- | | | |
|-----|----------|--|
| (i) | A/K5/601 | Proposed Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Factory A, G/F, Fast Industrial Building,
658 Castle Peak Road,
Cheung Sha Wan
(MPC Paper No. A/K5/601) |
|-----|----------|--|
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Presentation and Question Session

50. Mrs. Alice Mak, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed shop and services use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) public comments – no comment was received; and
- (e) the Planning Department's views – the Planning Department had no objection to the application as the proposed use was generally in line with the planning intention of the "Other Specified Uses" annotated "Business" zone and was not incompatible with the uses of the subject industrial building.

51. Members had no question on the application.

Deliberation Session

52. The Chairman remarked that the proposed shop and services use was small in scale and relevant Government departments had no objection to the application.

53. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that fire service installations should be provided to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 23.9.2009, 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.

54. The Committee also agreed to advise the applicant to consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the submission of building plans for the proposed shop and services use as well as for the rectification of the contraventions.

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

[Open Meeting (Presentation and Question Session only)]

(ii) A/K5/602 Proposed Temporary Shop and Services
for a Period of 5 Years
in “Other Specified Uses” annotated “Business” zone,
Unit 2, G/F, Kowloon Plaza,
485 Castle Peak Road,
Cheung Sha Wan
(MPC Paper No. A/K5/602)

55. The application was submitted by the Multipurpose Investment Limited, which was a subsidiary company of the Sino Land Company Limited (SLCL). Dr. Greg C.Y. Wong and Mrs. Angelina P.L. Lee had declared interests in this item for having current business dealings with SLCL. Dr. Wong had tendered his apologies for being unable to attend the meeting. As the applicant had requested for a deferral of the consideration of the application, Mrs. Lee was allowed to stay at the meeting.

56. The Committee noted that the applicant requested on 6.9.2005 for a deferment of the consideration of the application to allow sufficient time to clarify the application premises boundary and to address some issues raised by the Buildings Department.

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

Deliberation Session

57. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Elvis W.K. Au returned to the meeting at this point.]