

TOWN PLANNING BOARD

**Minutes of 318th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 23.12.2005**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mr. Keith G. McKinnell

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. Erwin A. Hardy

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

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Anthony Loo

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis Au

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

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

Secretary

Absent with Apologies

Mrs. Angelina P.L. Lee

Mr. Tony W.C. Tse

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Assistant Director(2), Home Affairs Department
Ms. Margaret Hsia

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
Ms. Paulina L.S. Pun

Agenda Item 1

Confirmation of the Draft Minutes of the 317th MPC Meeting held on 10.12.2005

1. The draft minutes of the 317th MPC meeting held on 10.12.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

2. There were no matters arising from the last meeting.

[Dr. Rebecca L.H. Chiu arrived to join the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr. Louis K.H. Kau, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Edward P.L. Li, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- | | | |
|-----|----------|---|
| (i) | A/K2/174 | Proposed Guesthouse
in “Residential (Group A)” zone,
10/F, K.K. Centre,
46-54 Temple Street,
Yau Ma Tei
(KIL 1092RP, 1092B1, 1092BRP, and 1092C)
(MPC Paper No. A/K2/174) |
|-----|----------|---|
-

3. Mr. J.S. Corrigan declared an interest in this item in that the application, if approved, would involve lease modification to be processed by the Lands Department. The Committee noted that Mr. Corrigan's interest was indirect and he could be allowed to stay in the meeting and participate in the deliberation of the application.

Presentation and Question Session

4. Mr. Louis K.H. Kau, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed guesthouse;
- (c) departmental comments – highlighting that the Drainage Services Department (DSD) had no in-principle objection to the application provided that existing public stormwater drainage and sewerage system would not be adversely affected by the proposal. Other concerned Government departments had no adverse comments on the application;
- (d) one public comment was received during the publication period, agreeing with the proposal; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper. It was considered that DSD's concern could be addressed by an approval condition.

5. In response to a Member's enquiry, Mr. Louis K.H. Kau said that the provision of a centralized air-conditioning and hot water supply system was one of the criteria for consideration by the Building Authority in granting of hotel concessions.

Deliberation Session

6. 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 23.12.2009, 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 the implementation of the mitigation measures identified to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the provision of water supplies for fire fighting and fire services installations to the satisfaction of the Director of the Fire Services or of the Town Planning Board.

7. The Committee also agreed to advise the applicant that :

- (a) the approval of the application did not imply that the gross floor area exemption for hotel concession and back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) the District Lands Officer/Kowloon West, Lands Department should be consulted on the land lease matters for the proposed guesthouse;
- (c) the Director of Fire Services should be consulted on the fire safety aspect of the proposed guesthouse; and
- (d) the Chief Officer/Licensing Authority of Home Affairs Department should be consulted on the licensing requirements for the proposed guesthouse.

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the proposed development was small in scale with no significant impact on the natural vegetation. The proposed facilities were essential for the implementation of the Government policy for digital terrestrial television broadcasting.

10. The Chairman and Members then raised the following questions:

- (a) whether the site occupied by the existing transmitter and transposer stations would be released after the transition to digital broadcasting had been completed;
- (b) when the application site was no longer required, whether the applicant was required to reinstate the land to match with the original environment of the “Green Belt” (“GB”) zone;
- (c) whether other alternative sites outside the “GB” zone had been considered for the proposed development;
- (d) whether the applicant was required to submit a landscape proposal to reduce the visual impact of the proposed development; and
- (e) whether similar applications would be made by other operators in switching to digital broadcasting.

[Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

11. In reply, Mr. Louis K.H. Kau, DPO/TWK, and Mr. Edward P.L. Li made the following points :

- (a) it was understood that different sites had been considered by the applicant for the proposed facilities for digital broadcasting. However according to the applicant, these facilities were required to be located near the existing

transposer station to fulfil the operational requirement of the Office of the Telecommunications Authority;

- (b) the switching to digital broadcasting was a gradual process and at the initial stage, both the existing station for analogue broadcasting and the new facilities for digital broadcasting were to be simultaneously in operation;
- (c) the existing transposer station was jointly used by TVB and Asia Television Ltd. An existing Radio Television Hong Kong radio transmission station was also located in the area. The PlanD would keep in view of the future use of these sites once they could be released for other uses;
- (d) the Urban Design and Landscape section of the PlanD had no objection to the application as the proposed development would not create significant visual impact. There would also be no adverse landscape impact as the affected trees were not rare or protected species. Compensatory planting would be provided and an approval condition for submission and implementation of landscape proposals had been recommended; and
- (e) similar applications might be submitted by other operators based on their specific requirements.

12. In response to the Chairman's enquiry, Mr. Louis K.H. Kau confirmed that the existing transmitter and transposer station was operating under a Short Term Tenancy (STT). Although the details of the STT were not available, the usual practice was that a site would be handed back to the Government once the purposed use under the STT was terminated and the tenant would be required to reinstate the site to the original condition to the satisfaction of the Lands Department.

Deliberation Session

13. A Member said that in considering the planning applications for small-scale utility installations submitted by some utility companies, the Committee had requested the

applicants to submit landscape treatment proposals for mitigating the landscape and visual impacts of the proposed development. Such requirements should also be applied to applications of similar nature, such as the current application.

14. Another Member concurred with the above view and opined that landscape treatment for the existing buildings should also be included for the Committee's consideration. In response, the Chairman said that since the existing stations were not part of the application site, it would not be appropriate to request the applicant to submit a landscape proposal for these existing structures.

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

15. A Member said that the subject area was suitable for the proposed broadcast transmission as there was already a cluster of similar structures including antennae on site. As the proposed development was within the "GB" zone, the applicant should be required to reinstate the land after use and to submit a landscape proposal to mitigate the visual impact of the proposed structures.

16. The Chairman summarized the views of Members and concluded that the applicant should be requested to submit further information to address the possible landscape and visual impacts of the proposed development for the Committee's consideration. Members agreed.

17. After deliberation, the Committee decided to defer a decision on the application pending the submission of further information to address the possible landscape and visual impacts of the proposed development. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant.

[Professor N.K. Leung returned to join the meeting and Mr. Erwin A. Hardy left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iii) A/TW/377 Proposed Temporary Shop and Services (Retail Shops)
for a Period of 3 Years
in “Industrial” zone,
G/F (Portion),
12-16 Fui Yiu Kok Street,
Tsuen Wan
(TWTL 150)
(MPC Paper No. A/TW/377)
-

Presentation and Question Session

18. Mr. Edward P.L. Li, 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 (retail shops) use for a temporary period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) one public comment was received during the publication period, indicating concern about the traffic condition in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 12.1 of the Paper.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2008, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the condition that the provision of fire resistance construction and design, means of escape and fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

21. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that necessary approvals would be given by any Government department. The applicant should approach the relevant Government departments direct for any necessary approvals;
- (b) that the approval of the application did not imply that the Building Authority or the Director of Buildings would accept the unauthorized structures or building works on site, if any;
- (c) to liaise with the Director of Buildings on submission of building plans for necessary alteration and addition works; and
- (d) to liaise with the Director of Lands on the lease matters and the application for a temporary waiver.

[The Chairman thanked Mr. Louis K.H. Kau, DPO/TWK, and Mr. Edward P.L. Li, STP/TWK, for their attendance to answer Members' enquiries. Messrs. Kau and Li left the meeting at this point.]

Kowloon District

[Mr. Kelvin K.W. Chan, 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.]

- (e) the Planning Department (PlanD)'s views – the PlanD's views were detailed in paragraph 12.1 of the Paper.

[Mr. Erwin A Hardy returned to join the meeting at this point.]

23. Mr. C.C. Lau supplemented that after issuance of the Paper, further information to address various Government departments' comments was submitted by the applicant on 20.12.2005, which was tabled at the meeting. Upon consideration of the further information and mitigation measures proposed by the applicant including the exclusive use of the cargo lift lobby by the applicant, the FSD had no in-principle objection to the application. The TD had no further comment, but the Police maintained its reservation on the application. Departmental comments on the further information were tabled at the meeting for Members' consideration.

24. In reply to a Member's enquiry, Mr. Kelvin K.W. Chan, DPO/K, said that after considering the further information submitted by the applicant, concerned Government departments including the FSD had no in-principle objection to the application. Based on the latest departmental comments, the PlanD had no objection to the application. He suggested that the approval conditions should be modified to more appropriately address the FSD's concerns.

[Dr. Rebecca L.H. Chiu left the meeting temporarily at this point.]

Deliberation Session

25. A Member said that the Hung Hom area was in transition from an industrial to commercial/business area. The applied use would facilitate the transformation of the area. As there was no objection from Government departments upon consideration of the further information, the subject application was supported. The Chairman said that should the Committee decide to approve the application, the approval conditions should be suitably modified to address the fire safety concern.

26. After deliberation, the Committee decided to approve the application on the terms of the application as submitted to the Town Planning Board. The permission was subject to

the following conditions :

- (a) no industrial undertakings were allowed on the ground floor of the application premises;
- (b) the submission and implementation of a fire safety proposal, including provision of suitable fire resistance construction and design to physically separate the application premises from the ground floor lift lobby, vehicle parking and godown/industrial portions within the same building and provision of fire services installations for commercial occupancies with the application premises to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of a proposal for parking, loading/unloading, picking up/setting down for the retail shop and showroom uses under application to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

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

- (a) liaise with the Chief Building Surveyor/Kowloon, Buildings Department on the submission of alterations and additions building plan for the subject retail shop and showroom; and
- (b) liaise with the District Lands Officer/Kowloon West, Lands Department regarding the application for temporary waiver of the lease conditions for the subject retail shop and showroom; and to ensure that it should not in any way prejudice the rights of the other co-owners of the building under the Deed of Mutual Covenant.

29. Members had no question on the application.

Deliberation Session

30. The Chairman remarked that the proposed commercial floor area had far exceeded the limit acceptable to the FSD in an industrial building not fully protected by sprinkler system and there was insufficient information to address the concern on traffic issues.

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

- (a) the application was not acceptable from the fire safety point of view; and
- (b) there was insufficient information in the submission to demonstrate that the provision of car parking and loading/unloading spaces would be adequate.

[Dr. Rebecca L.H. Chiu returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iii) A/K14/495 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit A3, G/F, Howard Factory Building,
66 Tsun Yip Street,
Kwun Tong
(MPC Paper No. A/K14/495)
-

Presentation and Question Session

32. 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 proposed shop and services use;

- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) one public comment supporting the application was received during the publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11.1 of the Paper.

33. Members had no question on the application.

Deliberation Session

34. 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 23.12.2009, 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 application premises 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 the means of escape and fire services installation at the application premises to the satisfaction of the Director of Fire Services or of the Town Planning Board.

35. The Committee also agreed to advise the applicant :

- (a) to consult the District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver for the proposed shop and services use under application including the size of the application premises;

- (b) that any operation of food business under Food Business Regulation would require application to Food and Environmental Hygiene Department for a relevant licence; and
- (c) to strictly observe regulatory restrictions and instant traffic situation in case when loading/unloading activities were taken place to avoid interfering the main stream traffic.

[The Chairman thanked Mr. Kelvin K.W. Chan, DPO/K, and Mr. C.C. Lau, STP/K, for their attendance to answer Members' enquiries. Messrs. Chan and Lau left the meeting at this point.]