

TOWN PLANNING BOARD

**Minutes of 319th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 13.1.2006**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Mr. K.G. McKinnell

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

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

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

Assistant Director (Kowloon), Lands Department
Mr. James Merritt

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

Secretary

Absent with Apologies

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mrs. Angelina P.L. Lee

Mr. Erwin A. Hardy

Mr. Tony W.C. Tse

Professor Bernard V.W.F. Lim

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
Mr. C.T. Ling

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

Agenda Item 1

Confirmation of the Draft Minutes of the 318th MPC Meeting held on 23.12.2005

[Open Meeting]

1. The draft minutes of the 318th MPC meeting held on 23.12.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Town Planning Appeal Received

Town Planning Appeal No. 25 of 2005 (25/05)

Proposed Temporary Open Storage of Vehicles for Exhibition and Sale
for a Period of 3 Years

in "Agriculture" and "Open Storage" Zones, Lot 506 RP in D.D. 83
and Adjoining Government Land, Ta Kwu Ling

(Application No. A/NE-TKL/272)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 30.12.2005 received an appeal against the decision of Town Planning Board on 21.10.2005 to reject on review an application (No. A/NE-TKL/272) for temporary open storage of vehicles for exhibition and sale for a period of 3 years at a site zoned "Agriculture" and "Open Storage" on the draft Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/10. The hearing date was yet to be fixed.

(ii) Appeal Statistics

3. The Secretary also reported that as at 13.1.2006, 26 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	14
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	26
Decision Outstanding	:	1
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Total	:	235

Hong Kong District

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Mr. Roy C.H. Li, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H7/1 Application for Amendment to the
Approved Wong Nai Chung Outline Zoning Plan No. S/H7/11,
Proposing Incorporation of 'Hotel' and 'Residential Institution'
into Column 1 or Column 2 uses under the Notes of the
"Other Specified Uses" annotated "Sports and Recreation Club" zone,
88 Caroline Hill Road,
Happy Valley,
Hong Kong
(MPC Paper No. Y/H7/1)

Presentation and Question Sessions

4. On 5.1.2006, the applicant requested the Town Planning Board to defer making a decision on the application in order to allow time to resolve comments from Transport Department.

Deliberation Session

5. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Dr. Peter K.K. Wong arrived at the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H4/76 Proposed Office Use
 in “Other Specified Uses” annotated “Pier” zone,
 Part of Level 2,
 Central Pier No. 2
 (MPC Paper No. A/H4/76)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed office use not ancillary to pier use;
- (c) departmental comments – the Buildings Department (BD) objected to the application in view of the unsatisfactory exit arrangements. Similar safety

concern on the exit arrangements was also raised by the Transport Department;

- (d) two public comments raising objections to the application were received during the public inspection period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 10.1 of the Paper in that the application premises should be used for pier-related uses or put to other beneficial uses which could better facilitate public enjoyment of the waterfront, and there was insufficient information in the submission to demonstrate that safety concerns could be addressed.

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

7. Noting that BD objected to the application while the Director of Fire Services (D of FS) had no objection to the application, a Member asked whether there were conflicting views from the two Government departments. Mr. Roy Li said that the two Government departments' comments were on different aspects of the application. BD's comments were mainly related to the requirements under the Building (Planning) Regulations and the related Means of Escape Code, while D of FS' comments were on the fire services installation and requirements.

8. Mr. Anthony Loo said that similar office uses were found in Pier No. 3 which was currently used for ferry services between Central and Discovery Bay. Ms. Christine K.C. Tse, DPO/HK, explained that office uses in Pier No. 3 were ancillary to the pier use and planning permission was not required.

[Ms. Sylvia S.F. Yau arrived at the meeting at this point.]

Deliberation Session

9. The Chairman remarked that the application should not be approved in view of the safety concern on the exit arrangements. This view was shared by the Vice-chairman.

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

- (a) the application premises should be used for pier-related uses in the long term or put to other beneficial uses which could better facilitate public enjoyment of the waterfront. The proposed office use would not be able to serve the above purpose, and office use could be located elsewhere in properly designed office buildings; and
- (b) the exit arrangements of the proposed office use were considered unsatisfactory due to safety concerns. There was insufficient information in the submission to demonstrate that such concerns could be addressed.

[The Chairman thanked Ms. Christine K.C. Tse, DPO/HK, and Mr. Roy C.H. Li, STP/HK, for their attendance to answer Members' enquiries. Ms. Tse and Mr. Li left the meeting at this point.]

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

Tsuen Wan and West Kowloon District

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Z/TW/11A Application for Amendment to the
Draft Tsuen Wan Outline Zoning Plan No. S/TW/22
from "Industrial" to "Other Specified Uses" with proposed Notes,
150-164 Texaco Road,
Tsuen Wan
(MPC Paper No. Z/TW/11A)

11. Mr. Louis K.H. Kau, District Planning Officer/Tsuen Wan and West Kowloon

(DPO/TWK), Miss Erica S.M. Wong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), and the following applicant/applicant's representatives were invited to the meeting at this point:

Ms. Keren Seddon
Mr. Adrian Yeo
Ms. Grace Siu
Mr. Simon Leung
Ir. William Cheung
Mr. Calvin Chiu
Mr. Severino Garces
Mr. Patrick Yan

12. The Chairman extended a welcome and briefly explained the hearing procedures. He said that it was understood that the applicant would make the presentation in English and the applicant had no objection to conduct the questioning session in Cantonese. The applicant/applicant's representatives agreed.

Presentation and Question Sessions

13. Miss Erica S.M. Wong was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Miss Wong did so as detailed in the Paper and made the following points:

- (a) the applicant sought planning permission for proposed amendments to the draft Tsuen Wan Outline Zoning Plan (OZP) by rezoning the subject site from "Industrial" ("I") to "Other Specified Uses" ("OU"). A set of Notes was proposed with 'Hotel' and other related facilities including 'Shop and Services', 'Eating Place' and 'Private Club' under Column 2 uses. Based on the indicative scheme, the proposed 41-storey hotel development would provide 768 guestrooms at a gross floor area (GFA) of about 43,261m² and a plot ratio of 16.36;
- (b) the site was located within the well-established Tsuen Wan East Industrial

Area and currently occupied by an existing building used for industrial and godown purposes. According to the Area Assessments of Industrial Land in the Territory considered and agreed in-principle by the Town Planning Board (the Board) in 2000, the industrial land in Tsuen Wan East Industrial Area should be retained for industrial uses mainly for the reason that the area was vibrant, industrial buildings were generally in good conditions and mainly accommodated traditional production-oriented industrial activities, and the area should be retained as an employment centre;

- (c) from August to September 2005, the Planning Department (PlanD) had carried out a detailed on-site survey on the uses of individual industrial units within the “I” zone on the draft Tsuen Wan OZP. According to the survey, the vacancy rates of private industrial buildings in the Tsuen Wan East Industrial Area was about 9.5% and these buildings were mainly occupied by manufacturing and warehouse uses (about 80.9%). It was therefore considered that the industrial operations in the area were still active and it was not suitable to rezone those industrial sites to other uses;
- (d) the development intensity of the proposed hotel development was considered excessive. The proposed plot ratio exceeded the maximum plot ratio of 9.5 for hotel use within other zones under the Tsuen Wan OZP, such as “Commercial” and “OU” annotated “Business” (“OU(B)”). As advised by the Buildings Department (BD), the proposed plot ratio also exceeded the maximum non-domestic plot ratio of 15 permitted under the Buildings Ordinance;
- (e) the Director-General of Trade and Industry (DG of TI) objected to the application. He pointed out that approving the application would undermine the integrity of the industrial land, encourage piecemeal developments in the area and set precedent for further encroachment on sites available for industrial use in the area. The Transport Department (TD) advised that direct vehicular access to/from Texaco Road was not supported and vehicular access from Tsuen Yip Street might be considered;

- (f) whilst some industrial land had been rezoned to “OU(B)” on Tsuen Wan OZP in 2003, the implementation of “OU(B)” zoning would need to be further assessed and monitored. Pending the implementation of these “OU(B)” sites, it was considered not opportune to encourage piecemeal redevelopment of additional “I” sites to non-industrial uses; and
- (g) PlanD was carrying out an updated Area Assessments of Industrial Land in the Territory, which was scheduled for completion by early 2006. It was considered premature to approve the application before completion of the assessments.

14. The Chairman then invited the applicant’s representative to elaborate on the application. With the aid of a Powerpoint presentation, Ms. Keren Seddon made the following main points:

- (a) the site was located at the southern fringe of the Tsuen Wan East Industrial Area and currently occupied by a 25-storey industrial building. It was highly accessible and mainly surrounded by obsolete flatted factories without provision of industrial supporting facilities. As such, the site was strategically located in the most neglected part of the industrial area;
- (b) there was an on-going land use restructuring and phasing out of obsolete industrial uses in Tsuen Wan. This could be reflected in the approved s.16 applications and rezoning requests of industrial sites for commercial/hotel developments in the area especially on the northern periphery of the Tsuen Wan East Industrial Area, such as applications No. A/TW/131, 157, 181, 340, 363 and 369;
- (c) the proposed development would echo the Board’s previous approval on the northern periphery, provide further stimulus to encourage and expedite the restructuring process, and achieve a high quality, fully-serviced and modern industrial environment. It was conveniently located and easily accessible by the public and would thus help meet the need for industry supporting and community facilities in the Tsuen Wan East Industrial Area;

- (d) it was proposed to change the zoning of the site from “I” to “OU” to enable hotel development with much needed industry supporting uses ‘shop and services’ and ‘eating places’ under Column 2 uses to ensure planning permission from the Board was required. The “OU” zoning was considered appropriate as it would provide an express planning intention in the Explanatory Statement and a mechanism for full control on redevelopment of the site whilst maintaining reasonable flexibility. It was proposed that a restriction of a maximum non-domestic plot ratio of 9.5 or the plot ratio of the existing building, whichever was the greater, could be added to the Notes of the proposed “OU” zoning. A minor relaxation clause on plot ratio restriction was also proposed;
- (e) the proposed development would provide 768 guestrooms with GFA of about 43,262m² and building height of 144m. The proposed hotel use would also include commercial facilities, a landscaped public space and a communal podium garden;
- (f) due to the changing industrial structure, there was a major reduction in the demand for industrial floor space. The surplus of industrial land in the Territory was recognised by both the Government and private developers. The proposed rezoning would have no negative impact on the supply of industrial floor space;
- (g) there were significant signs of growth in the tourism industry in Hong Kong in recent years. The proposed hotel would help improve the provision of budget-type accommodation to serve the growing budget travellers in Tsuen Wan, and in the Territory as a whole. The proposed hotel use at the site would also contribute to the growth of the tourism industry in view of the close proximity of the site to the airport, the existing and potential tourist nodes and attractions;
- (h) the facade of the proposed hotel would significantly improve the visual amenity in the locality. The proposed hotel would also enhance the public

realm by providing landscaped public space and communal podium garden for public use. The proposed landscaped public space and communal podium garden would effectively act as a 'green lung' to benefit the hotel users, surrounding workers and visitors to the area;

[Professor N.K. Leung left the meeting temporarily at this point.]

- (i) the proposed hotel would provide adequate on-site parking and loading/unloading facilities. All the on-street parking and loading/unloading activities would be accommodated in the 2-storey basements. The proposed hotel use would not have any adverse impacts on the surrounding environment, and would bring about significant improvement to the local traffic conditions and the environmental quality. Relevant Government departments, such as TD, Environmental Protection Department (EPD), Drainage Services Department, Civil Engineering and Development Department, had no in-principle objection to the application;
- (j) as regards TD's comments, the issue had been resolved upon the applicant's submission of further information on 4.1.2006 and TD had no comment on the applicant's revised proposal;

[Professor N.K. Leung returned to join the meeting at this point.]

- (k) the approval of the application would not set any undesirable precedent for other applications in "I" zone as there were unique circumstances to warrant the proposed "OU" zoning in this case. The proposed hotel use could be judged on its own merits and the major public planning gains achievable;
- (l) as regards the objections raised by PlanD and DG of TI on the excessive development intensity and the impact on the supply of industrial land, it should be noted that the development scheme was indicative and would be subject to approval by the Board upon application. The focus should be on whether the change of land use was acceptable. As the applicant intended to develop the site at the existing GFA and BD had no objection

on the existing GFA proposed by the applicant, the matters on the development intensity could be resolved during the planning application and detailed design stages;

- (m) regarding the impact on the supply of industrial land, it should be noted that 81% of the occupants in the existing industrial building were logistics and the remainder were storage companies with no manufacturing operations. The logistics and storage operations entailed 24-hour on-site loading/unloading activities (by container trucks), and 24-hour traffic flow into and out of the site, which were causes of adverse traffic impact. The proposed hotel use would significantly improve the local traffic conditions; and
- (n) social impact assessment indicated that there was great support for the provision of industry supporting facilities in the area, such as restaurants, food courts, retail shops and open space.

15. Referring to Plan Z-2 of Paper, a Member asked about the background of a planning application No. A/TW/131 and the three “CDA(1)” zones at the junction of Ma Tau Pa Road and Yeung Uk Road. Mr. Louis Kau responded that application No. A/TW/131 was approved in 1991 for ancillary office use on a temporary basis for three years. The three “CDA(1)” zones was located at the northern periphery of Tsuen Wan East Industrial Area and to the south of a commercial/residential area zoned “Residential (Group A)”. The three “CDA” zones were proposed for non-residential developments to act as a ‘land use buffer’ between the industrial area and the commercial/residential area, and to alleviate the industrial/residential interface problem.

16. In response to the Chairman’s enquiry, Mr. Louis Kau said that the updated Area Assessments of Industrial Land in the Territory would be submitted to the Board for consideration at the coming meeting.

17. Referring to paragraph. 5.1.1(i) of the planning statement submitted by the applicant, a Member enquired the express planning intention of the application. The Chairman remarked that, for the proposed “OU” zoning, the intended uses should be clearly specified. Ms. Keren Seddon clarified that the applicant proposed to develop the site for

hotel use together with industry supporting and community uses such as 'shop and services', 'eating places' and landscaped public space. The proposed "OU" zoning with hotel and other supporting uses under Column 2 would put the proposed development under the scrutiny of the Board through the planning permission system. A set of Notes was proposed for the "OU" zoning without specific annotation. Should the Committee agree to the proposed rezoning, the specific annotation of the proposed "OU" zoning could be considered and determined in the later stage.

18. Another Member asked TD and EPD whether there were any adverse traffic and environmental impacts of the proposed development on the surrounding areas. Mr. Anthony Loo responded that TD's comments as mentioned in paragraph 9.1.4 of the Paper had been addressed by the applicant and the proposed development was not expected to generate adverse impacts on the local road networks. Mr. Elvis W.K. Au responded that, in comparison to the existing industrial building, the proposed development would not cause significant adverse environmental impacts on the surrounding areas.

19. In response to the Chairman's enquiry on the development intensity, Ms. Keren Seddon explained that it was proposed to rezone the site from "I" to "OU" at the plot ratio restriction as stipulated in other zones under the current Tsuen Wan OZP, i.e. a maximum non-domestic plot ratio of 9.5 or the plot ratio of the existing building, whichever was the greater. The applicant was asking for the development intensity of the existing building. Mr. Louis Lau stated that the proposed plot ratio exceeded the 'existing bulk' of the existing industrial building which was equivalent to a plot ratio of 15.3179 (based on 43,261.739m² GFA including bonus GFA and a site area of 2,824.255 m² as advised by the BD).

20. Referring to BD's comments on site area and bonus GFA, a Member noted that there were some alleged differences in views between PlanD/BD and the applicant on the calculation of the existing plot ratio/GFA. Referring to the applicant's presentation as stated in paragraph 14(l) above, the Chairman questioned whether the applicant would focus its application on change of land use while setting aside the issue on development intensity to a later stage. Ms. Keren Seddon, after discussion between the applicant and his representatives, replied in the affirmative and said that the applicant agreed to accept BD's interpretation on the calculation of the existing plot ratio/GFA for the proposed development.

21. In response to a Member's question, Ms. Keren Seddon said that the occupancy rate of the subject industrial building was about 99% with 81% of the occupants were logistics companies and the rest were warehouses with no manufacturing operations.

22. Another Member asked about the overall supply and demand of industrial land in the Territory. The Chairman remarked that the updated Area Assessments of Industrial Land in the Territory would be submitted to the Board for consideration at the coming meeting. As regards the industrial land situation in the Tsuen Wan area, Mr. Louis Kau replied that the vacancy rates of industrial buildings in the Tsuen Wan East Industrial Area were within similar ranges in 2000 and 2005.

23. As Members had no further questions, the Chairman informed the applicant and his representatives that the hearing procedures had been completed and the Committee would further deliberate on the application in their absence and would inform them of the Committee's decision in due course. The Chairman thanked the applicant and the applicant's representative and the representatives of PlanD for attending the meeting. They left the meeting at this point.

Deliberation Session

24. The Chairman remarked that the updated Area Assessments of Industrial Land in the Territory would be submitted to the Board for consideration at the coming meeting. Should the Committee consider it premature to consider the application, the application could be deferred pending consideration by the Board of the said assessments.

25. In reply to some Members' queries, the Secretary explained that the applicant proposed to rezone the site from "I" to "OU" at a maximum non-domestic plot ratio of 9.5 or the plot ratio of the existing building, whichever was the greater. While the existing building bulk had exceeded the plot ratio of 9.5, the applicant was in effect asking for developing the site at the plot ratio of the existing building. However, there were differences in interpretations between PlanD/BD and the applicant on the calculation of the existing plot ratio/GFA. Besides, PlanD considered that the proposed plot ratio was excessive as it exceeded the maximum plot ratio of 9.5 permissible for non-domestic uses (including hotel) in other zones on the Tsuen Wan OZP.

26. Noting that the subject industrial building was a relatively new building and mostly occupied by logistics companies, a Member opined that the subject building with active industrial activities was not suitable to be demolished and rezoned to other uses. Another Member said that the site should be retained to meet the demand from one of the growing industrial activities (i.e. cargo handling and forwarding facility) in the Territory and piecemeal redevelopment within the industrial area should not be encouraged. The other Member was concerned about there were already numerous hotel developments that had been approved on the Tsuen Wan OZP.

27. Some Members considered that the application should be deferred pending the updated Area Assessments of Industrial Land in the Territory. A Member added that the applicant should be requested to submit additional information to clarify its intention, i.e. whether the application was for change of land use only or the application was for change of land use with a specific plot ratio proposed.

28. The Chairman remarked that, in consideration of relevant cases in some industrial areas, Members had requested an updated assessment on the supply and demand of industrial land in the Territory. Since the supply and demand of industrial land was a fundamental issue in the application, it was premature for the Committee to consider the application while pending the territorial assessment. He suggested and Members agreed that the application should be deferred.

29. After deliberation, the Committee decided to defer a decision on the application pending the updated Area Assessments of Industrial Land in the Territory. The Committee also requested the Secretariat to clarify with the applicant on whether the application was for change of land use only or the application was for change of land use with a specific plot ratio proposed.

[The Chairman left the meeting while the Vice-chairman took over the chairmanship at this point.]

[Messrs. Nelson W.Y. Chan, Daniel B.M. To, Anthony Loo, Elvis W.K. Au and Ms. Sylvia S.F. Yau left the meeting temporarily at this point.]

[Mr. Louis K.H. Kau, 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 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K3/475 Proposed Guesthouse
in “Residential (Group A)” zone,
Part of 1/F,
5-13 Ash Street,
Tai Kok Tsui
(KIL 9999)

(MPC Paper No. A/K3/475)

Presentation and Question Sessions

30. On 4.1.2006, the applicant requested the Town Planning Board to defer making a decision on the application in order to allow more time to address comments from Buildings Department.

Deliberation Session

31. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional 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 additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information and no further deferment would be granted unless under very special circumstances.

[Ms. Sylvia S.F. Yau and Mr. Anthony Loo returned to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K5/603 Temporary Shop and Services (Showroom for Garments)
for a Period of 3 Years
in “Other Specified Uses” annotated “Business” zone,
Workshop C3 (Portion), G/F, Block C,
Hong Kong Industrial Centre,
489-491 Castle Peak Road,
Cheung Sha Wan

(MPC Paper No. A/K5/603)

Presentation and Question Sessions

32. 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) temporary shop and services (showroom for garments) for a period of 3 years;
- (c) departmental comments – no adverse comment from concerned Government department was received;
- (d) no public comment was received during the public inspection period and no local objection was received by the District Office; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

33. Members had no question on the application.

Deliberation Session

34. The Secretary remarked that on 6.1.2006, the Town Planning Board (TPB) agreed the revised TPB Guidelines No. 22C and 25C to provide guidance to prospective applicants on the specific requirements for change of use of industrial premises to commercial uses to address fire safety concerns. In agreeing to the revised Guidelines, the TPB also agreed to impose appropriate time-limited conditions when approving any future change of use of industrial premises to commercial uses.

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 13.1.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) the provision of the fire service installations within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.7.2006; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to consult District Lands Officer/Kowloon West, Lands Department regarding the application for temporary wavier; and
- (b) to consult Chief Building Surveyor/Kowloon, Buildings Department regarding the provision of fire resistance construction.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K5/604 Proposed Hotel (Guesthouse)
in “Residential (Group A)” zone,
170-172 Kiu Kiang Street,
Sham Shui Po
(MPC Paper No. A/K5/604)

Presentation and Question Sessions

37. On 22.12.2005, the applicant requested the Town Planning Board to defer making a decision on the application in order to carry out consultation with the local communities and the relevant parties.

Deliberation Session

38. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional 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 additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. Louis K.H. Kau, DPO/TWK, and Miss Erica S.M. Wong, STP/TWK, for their attendance to answer Members' enquiries. Mr. Kau and Miss Wong left the meeting at this point.]

[Messrs. Nelson W.Y. Chan and Daniel B.M. To returned to the meeting at this point.]

Kowloon District

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

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K7/74 Proposed School (Tutorial School)
in "Residential (Group B)" zone,
Lower G/F (Basement) (Portion),
188 Boundary Street,
Ho Man Tin
(KIL 1959A)

(MPC Paper No. A/K7/74)

Presentation and Question Sessions

39. 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) proposed school (tutorial school);
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) two public comments were received during the public inspection period, raising concerns on fire safety, building management and security; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 10.1 and 10.2 of the Paper, noting that the proposed tutorial school was required to be registered under the Education Ordinance and that concerned matters would be further considered by the relevant Government departments in detail at the licensing stage.

40. Members had no question on the application.

Deliberation Session

41. 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 the provision of fire service installations for the proposed tutorial school to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 13.1.2010, 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.

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K9/206 Proposed Hotel Development
in “Residential (Group A)” zone,
83 Wuhu Street,
Hung Hom

(MPC Paper No. A/K9/206)

Presentation and Question Sessions

43. On 5.1.2006, the applicant requested the Town Planning Board to defer making a decision on the application in order to allow sufficient time to address comments raised by relevant Government departments.

Deliberation Session

46. Members had no question on the application.

Deliberation Session

47. In response to a Member's enquiry, Mr. Raymond K.W. Lee, DPO/K, said that the application site was previously occupied by an electricity substation (ESS) which was demolished in 1992. The "Government, Institution or Community" zoning was originally designated for the ESS existed at the site. Two previous applications were approved for residential use in 1996 and 1997 for reasons that the application site was no longer required for the ESS uses, not incompatible with the surrounding residential uses and not expected to generate adverse impacts on the surrounding areas.

48. The Vice-chairman remarked that the current scheme appeared to be of higher intensity than the previous approved scheme. Mr. Raymond Lee said that the current proposed development would have a domestic and non-domestic plot ratio of not exceeding 7.5 and 1.5 respectively which were in line with the plot ratio restrictions under "Residential (Group A)" zone in Kowloon areas.

49. 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 13.1.2010, 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 firefighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of a landscape proposal for the development to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the approval of the application did not imply that the proposed exemptions of the proposed development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) the physical appearance of the proposed residential development should be of good quality as the application site was located at the junction of three roads;
- (c) the applicant to follow the Professional Persons Environmental Consultative Committee Practice Note 1/97 to complete a Self Assessment Form indicating whether the proposed residential development would be provided with acoustic insulation in accordance with Chapter 9 of the Hong Kong Planning Standards and Guidelines;
- (d) the arrangement of Emergency Vehicular Access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue; and
- (e) the Director of Electrical and Mechanical Services' comments as detailed in paragraph 10.1.7 of the Paper.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K15/73 Proposed Commercial/Residential Development
in "Residential (Group E)" zone,
13 Sze Shan Street,
Yau Tong
(YTIL 23)

(MPC Paper No. A/K15/73)

Presentation and Question Sessions

51. On 22.12.2005, the applicant requested the Town Planning Board to defer making a decision on the application in order to address comments raised by the Environmental Protection Department.

Deliberation Session

52. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional 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 additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/K18/233 Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Ancillary Plant Room Use in a Proposed Residential Development in “Residential (Group C)1” zone, 4 Somerset Road, Kowloon Tong (NKIL 862) (MPC Paper No. A/K18/233)
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53. The application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mrs. Angelina P.L. Lee and Mr. Tony W.C. Tse, having current business dealings with HLD, declared interests in this item. The Committee noted that the two Members had tendered their apologies for not able to attend the meeting.

[Mr. Elvis W.K. Au returned to join the meeting and Mr. James Merritt left the meeting temporarily at this point.]

Presentation and Question Sessions

54. 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) proposed minor relaxation of building height restriction to allow for one storey of basement for ancillary plant room use in a proposed residential development;
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) three public comments were received during the public inspection period. Two of them raised objections to the application on environmental, visual and building safety grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 to 11.4 of the Paper in that the proposed plant room was located in the basement level and not expected to cause significant adverse impacts on the surrounding areas.

55. The Vice-chairman asked about the rejection reasons for the similar application No. A/K18/229 located at Devon Road. Mr. Raymond K.W. Lee, DPO/K, said that application No. A/K18/229 was rejected for reasons of the excessive size of the proposed basement covering about 67% of the lot. In the current application, the basement area amounting to about 15.6% of the lot was located underneath the footprint of the proposed residential building. According to the current design, more spaces would be made available at G/F level for tree planting and landscape purposes. Referring to paragraph 11.2 of the Paper, the Vice-chairman remarked that should the basement size be considered excessive by relevant Government departments during the building plan submission stage, a fresh planning application for the proposed development would be required.

[Mr. James Merritt returned to join the meeting at this point.]

Deliberation Session

56. Some Members raised the following points:

- (a) whether the basement plant rooms, including the electric rooms and telephone exchange rooms, were justified and ancillary to the proposed development; and
- (b) whether there was any upper limit on the size of the basement floor.

57. A Member pointed out that the approval of the application might set a precedent for other development proposals involving basement floor and that the actual development on site should be strictly monitored in order to avoid possible abuse in subsequent conversion to other uses.

58. The Secretary said that, as advised by the relevant Government departments, the plant room layout would be examined in details during the building plan submission stage to ensure the proposed plant room was ancillary in nature and its size was not excessive. Should the size be considered excessive during the building plan submission stage, a fresh planning application for the proposed development would be required. Regarding the appropriate size of the basement, the Secretary replied that each application should be considered case-by-case based on its individual merits.

59. 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 13.1.2010, 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 and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the provision of water supplies for firefighting and fire services

installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) the District Lands Officer/Kowloon East, Lands Department's comments as stated in paragraph 9.1.1(d)(iii) of the Paper that excessive plant room area would be gross floor area (GFA) countable and machines/plants should be installed for Occupation Permit inspection;
- (b) the approval of the application did not imply that the GFA exemption included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) should the basement size be considered excessive during the building plan submission stage, a fresh planning application for the proposed development would be required; and
- (d) to liaise with the Environmental Protection Department and the Transport Department regarding the adoption of suitable measures to avoid any adverse impacts on the surrounding areas during construction of the proposed development.

[A short break of 5 minutes was taken.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/K18/234 Proposed Minor Relaxation of Building Height Restriction from 5 to 7 Storeys for Residential Development in “Residential (Group C)7” zone, 2 Beacon Hill Road, Kowloon Tong (NKIL 5271) (MPC Paper No. A/K18/234)
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61. The application was submitted by a company with AGC Design Ltd. (AGC) being one of the consultants. Professor Bernard V.W.F. Lim, having current business dealings with AGC, declared an interest in this item. The Committee noted that Professor Lim had tendered his apologies for not able to attend the meeting.

Presentation and Question Sessions

62. 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) proposed minor relaxation of building height restriction from 5 to 7 storeys for a proposed residential development;
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) five public comments were received during the public inspection period. Three of them raised objection to the application mainly on visual impact; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraphs 11.1 to 11.3 of the Paper in that there was insufficient information in the submission to demonstrate the

design merits of the proposed relaxation of building height restriction.

63. Members had no question on the application.

Deliberation Session

64. The Vice-chairman remarked that no design merit was demonstrated in the proposed development to justify the relaxation of building height restriction.

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

- (a) there was insufficient information in the submission to demonstrate the design merit of the proposed development for minor relaxation of building height restriction; and
- (b) the approval of the application would set an undesirable precedent for other similar applications.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) Compliance of Approval Condition (f) on Application No. A/K14/470 for Minor Relaxation of Building Height Restriction in “Other Specified Uses” annotated “Business” Zone, 102 How Ming Street, Kwun Tung (KTIL 242)
(MPC Paper No. 2/06)
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Presentation and Question Sessions

66. Mr. Raymond K.W. Lee, DPO/K, presented the case and covered the following aspects as detailed in the Paper:

- (a) background to the case;

- (b) proposal to comply with approval condition (f) on Application No. A/K14/470 - the design and provision of a public concourse at G/F level;
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 4 of the Paper.

67. Members had the following questions:

- (a) whether the public concourse would be open to the public;
- (b) whether there was any implication on the bonus plot ratio granted under the Building Ordinance and the overall building bulk of the proposed development; and
- (c) whether there were any alternatives, such as reducing the commercial ground floor area, other than the reduction of the area of the proposed public concourse.

68. Mr. Raymond Lee responded as follows:

- (a) in the approved scheme under Application No. A/K14/470, the applicant proposed to provide a public concourse with a minimum size of 3,300m². The open-air public concourse would be provided at street level and open for public use. Two setbacks along How Ming Street (3m) and Tsun Yip Street (2m) were also proposed as set out in the lease conditions;
- (b) during the building plan submission stage, the Transport Department considered it more appropriate for the proposed development to be set back by 3.8m along How Ming Street and 5.4m along Tsun Yip Street in order to reserve land for future road widening and improvement works. According

to the applicant, in the latest building plans submitted to the Building Authority in December 2005, the 3,300m² public concourse area had included the further setbacks of 0.8m along How Ming Street and 3.4m along Tsun Yip Street (i.e. stippled pink area on the ground floor plan in Appendix B-1 of the Paper). After surrendering the further setbacks to the Government, the area of the public concourse would be reduced to about 3,019m² (i.e. -305m²);

- (c) the developer could claim bonus plot ratio under the Buildings Ordinance in relation to surrender/dedication of the further setbacks for use as public passage/street widening. While the actual distribution of the bonus plot ratio, if granted, was unknown at this stage, subsequent amendments to the approved schemes, including the bonus plot ratio for surrender/dedication of the further setback areas, would be considered under Class A/B amendments during the building plan submission stage. In any case, the proposed office development would still be subject to a maximum building height of 187mPD under the approved scheme; and
- (d) according to the applicant as stated in Appendix B-3 of the Paper, the construction work for bored pile foundation for the subject site had already commenced and it would not be possible to make changes to the ground floor layout at this stage without a serious consequence of project delay and the developer's financial commitments.

69. In response to the Vice-chairman's enquiry, Mr. Raymond Lee said that although the size of the current public concourse was smaller than that under the approved scheme due to surrender/dedication of the further setback areas for public passage/street widening purpose, a public concourse of reasonable size (about 3,019m²) would still be provided. It was considered that the intention of the provision of a public concourse to enhance pedestrian circulation in the area would not be severely jeopardized by the proposed reduction in the public concourse area.

70. Members in general raised concern on the additional bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of the further setbacks for use as public passage/street widening, which was at the expense of the public concourse. Should the developer wish to claim bonus plot ratio in relation to the surrender/dedication, the ground floor layout should be adjusted instead of reducing the area of the public concourse. Noting that the original planned public concourse was a planning gain for the enjoyment of the public, Members considered it unacceptable for the developer to enjoy bonus plot ratio at the expense of the provision of the public facility.

71. The Secretary said that the applicant's current layout was basically the same as the approved scheme. In view of Members' concern on the bonus plot ratio, should the Committee agree to the proposed compliance of approval condition (f), consideration could be given to capping the gross floor area (GFA) of the proposed development to the GFA proposed in the scheme approved by the Committee on 13.5.2005 (i.e. 110,236.79m² including bonus plot ratio) and bonus plot ratio would not be recommended for the further setback areas of 0.8m along How Ming Street and 3.4m along Tsun Yip Street as shown in the stippled pink area on the ground floor plan in Appendix B-1 of the Paper. The Committee agreed to the Secretary's suggestion.

72. After deliberation, the Committee decided to agree that the approval condition (f) of the Application No. A/K14/470 was complied with, with a proviso that no increase in gross floor area of the proposed development, due to the granting of bonus plot ratio in relation to surrender/dedication of the further setback areas of 0.8m along How Ming Street and 3.4m along Tsun Yip Street for use as public passage/street widening, would be allowed.

[Mr. K.G. McKinnell left the meeting at this point.]

Remarks

73. The Vice-chairman said that the remaining items in the Agenda would not be open for public viewing since they were in respect of applications submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.