

**TOWN PLANNING BOARD**

**Minutes of 320th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 3.2.2006**

**Present**

Mrs. Ava S.Y. Ng

Chairperson

Dr. Peter K.K. Wong

Vice-chairman

Dr. Rebecca L.H. Chiu

Dr. Greg C.Y. Wong

Mr. Erwin A. Hardy

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor 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. H. Lam

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

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. Simon Hui

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

Mrs. Angelina P.L. Lee

Mr. K.G. McKinnell

Mr. S.L. Ng

**In Attendance**

Assistant Director of Planning/Board  
Mr. C.T. Ling

Chief Town Planner/Town Planning Board  
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board  
Mr. Simon C.K. Cheung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 319th MPC Meeting held on 13.1.2006

1. The draft minutes of the 319th MPC meeting held on 13.1.2006 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

2. The Secretary reported that there were no matters arising from the last meeting.

**Kowloon District**

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

**Agenda Item 3**

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/K12/34 Proposed Flat, Shop and Services, Eating Place, School (Kindergarten), Social Welfare Facility (Residential Care Home for the Elderly) and Public Vehicle Park (Light Goods Vehicle) (Proposed Amendments to an Approved Scheme) in "Comprehensive Development Area" zone, 35 Clear Water Bay Road, Ngau Chi Wan, Lots 1904, 1905, 1906A, 1906RP, 1907C and 1907RP in SD2, New Kowloon Cemetery No. 2 and Adjoining Government Land  
(MPC Paper No. A/K12/34)
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Presentation and Question Session

3. With the aid of a Powerpoint presentation, Mr. Raymond K.W. Lee, DPO/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the proposed comprehensive development comprising flat, shop and services, eating place, school (kindergarten), social welfare facility (residential care home for the elderly) and public vehicle park (light goods vehicle) uses, which involved amendments to an approved scheme (application No. A/K12/32);
- (c) departmental comments – concerned Government departments, including the Transport Department, Environmental Protection Department, Fire Services Department, Buildings Department and the Antiquities and Monuments Office of the Leisure and Cultural Services Department (AMO, LCSD), had no objection to or no adverse comments on the application;
- (d) seven public comments were received during the public inspection period mainly raising concerns about the proposed Ping Ting Road Extension which would generate adverse environmental and traffic impacts on the neighbouring area. There were views that the developer should make use of Clear Water Bay Road instead of Ping Ting Road Extension. Local views were also received from the District Officer (Wong Tai Sin) objecting to the traffic arrangement at the nearby junctions of Clear Water Bay Road. The District Officer would continue to liaise with all concerned parties to work out the details of traffic arrangements in the area; and

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

- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper in that the proposed amendments mainly involved deletion of cinema, relocation of kindergarten to G/F, deletion of Wing Ting Road Extension and upgrading of the existing access at Ngau Chi Wan Market from Clear Water Bay Road, realignment of Ping Ting Road Extension and provision of a roundabout at the end of this road extension, and amendments to the approved Master Layout Plan (MLP) as a result of incorporating the requirements of the planning conditions. The major development parameters would be the same as those in the previously approved scheme. There were no objection nor adverse comments from concerned Government departments.

[Ms. Margaret Hsia arrived to join the meeting at this point.]

4. In response to a Member's enquiry on the proposed amendments relating to the traffic arrangements in the current scheme, Mr. Raymond K.W. Lee said that having due regard to some local concerns about the adverse traffic impact generated from Wing Ting Road Extension on the neighbouring area, the approved scheme was proposed to be revised by deleting Wing Ting Road Extension and widening the service lane with an additional turning space at Ngau Chi Wan Market. The provision of a roundabout to replace a hammer-head turning space at Ping Ting Road Extension was an improvement to the original design. He said that public comments were received during the public inspection period, mainly objecting to the traffic arrangements at the nearby junctions at Clear Water Bay Road and Ngau Chi Wan Road due to the proposed access to the development via Ping Ting Road Extension.

5. Regarding the local residents' concern on Ping Ting Road Extension, Mr. H. Lam explained that during the Transport Department's consultation with the local residents, concerns were raised that if all vehicles went in/came out of the proposed development through Ping Ting Road Extension, there would have adverse traffic impact on the aforementioned road junctions. They suggested that all vehicles should access the proposed

development via Clear Water Bay Road and come out via Ping Ting Road Extension. Ms. Margaret Hsia confirmed that the District Officer (Wong Tai Sin) had consulted the District Council and local residents on the traffic issue relating to Ping Ting Road Extension. Local concerns on the traffic arrangement in the area had been conveyed to concerned Government departments for consideration. The Chairperson pointed out that the provision of a vehicular access for the development via Ping Ting Road Extension had already been approved in the previous scheme. The District Officer (Wong Tai Sin) should continue to liaise with the Transport Department and concerned parties to work out a better traffic arrangement for the area.

6. In response to a Member's question, Mr. Raymond K.W. Lee said that the purpose of widening the service lane at Ngau Chi Wan Market to 6m was to improve the loading and unloading activities along the lane. Both the original and revised proposals could achieve the same objective. Mr. H. Lam advised that the existing service lane was only 4.5m wide and the drivers leaving the market would need to reverse their vehicles onto Clear Water Bay Road, which would affect traffic safety particularly due to the existence of a bus stop nearby. The originally proposed Wing Ting Road Extension would minimize the conflicts between the vehicles and also improve the pedestrians' safety. However, there were objections from both the local residents and market operators to the road extension, mainly on the grounds that the proposed road extension would increase the traffic flow and causing safety problem, noise and environmental nuisances, as well as adversely affecting the operation of the market. Having consulted the local residents, the developer proposed in the current scheme to delete Wing Ting Road Extension and instead widen the service lane to 6m with the provision of a turning space. The Transport Department considered the revised proposal an acceptable compromise.

7. Members then raised the following questions on the revised traffic arrangements:

- (a) given that there were high traffic and pedestrian flows at Clear Water Bay Road near the Ngau Chi Wan Market, Wing Ting Road Extension could provide a solution to the traffic problem in the area. It was doubtful if the proposed widening of the existing service lane could serve the same purpose; and

- (b) noting that Clear Water Bay Road was a trunk road and there were public transport interchange, bus stops and MTR station in the vicinity resulting in high traffic and pedestrian flows, whether it would be appropriate to adopt the current scheme to delete Wing Ting Road Extension to address the local objections but not in the public interest from an overall traffic perspective.

8. In reply, Mr. H. Lam said that the existing service lane was mainly used by the market operators, though the pedestrian flow along that section of Clear Water Bay Road was high. With Wing Ting Road Extension, vehicles could gain access to the market via Ping Ting Road and Wing Ting Road Extension. The road extension had also been reflected on the Outline Zoning Plan. Having due regard to the local objections, the Transport Department had conducted a traffic survey on the area and found the revised proposal acceptable. The current scheme could strike a balance among various considerations.

9. In response to the Chairperson's question, Mr. Raymond K.W. Lee, DPO/K, explained that the pedestrian flow between the Choi Hung MTR Station and minibus terminus to the east of the proposed development was very high. According to the previously approved scheme, a pedestrian connection from the basement of the proposed development to the concourse of MTR station would be provided. With this connection, pedestrians would move between the MTR station and the minibus terminus via the shopping mall of the proposed development. Hence, the number of pedestrians using the footpath of Clear Water Bay Road would likely be reduced upon completion of the development.

10. In response to a Member's enquiry on the revised shopping mall design and the effect on the historical buildings as pointed out by the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD, Mr. Raymond K.W. Lee clarified that there were minor amendments to the layout in the shopping mall design and the retail spine would be closer to the historical buildings. Nevertheless, the AMO, LCSD had no adverse comment on this aspect.

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

## Deliberation Session

### Traffic Arrangements

11. In response to the Chairperson's enquiry, Mr. H. Lam said that the originally proposed Wing Ting Road Extension was a more desirable option as it could minimize the conflicts between pedestrians and vehicles at the service lane and prevent vehicles from reversing onto Clear Water Bay Road. Having due regard to the objections raised by the local residents and market operators, the Transport Department had undertaken a traffic survey on the revised proposal of widening the existing service lane, which was considered acceptable. In addition, a new public transport interchange to be opened in March 2006 opposite to the proposal development would help divert the pedestrian flow and minimize the aforementioned conflicts.

12. In reply to the Chairperson's question on whether Wing Ting Road Extension was shown on the Outline Zoning Plan, Mr. Raymond K.W. Lee said that the existing Wing Ting Road ended near the Fire Services Department Married Quarters site and Wing Ting Road Extension was shown on the Outline Zoning Plan.

13. In response to a Member's question on whether Wing Ting Road Extension would connect Clear Water Bay Road in future, Mr. H. Lam said that according to the Outline Zoning Plan, the future Wing Ting Road Extension would not connect to Clear Water Bay Road as a new road connection with Clear Water Bay Road was not preferred. The residential sites in Wing Ting Road would gain access through Hammer Hill Road. The Secretary added that the originally proposed Wing Ting Road was to serve the "Residential (Group B)" ("R(B)") sites in the area, while the provision of Wing Ting Road Extension as proposed in the previously approved scheme was mainly intended to improve the loading and unloading problem at Ngau Chi Wan Market.

14. Some Members considered that should the current scheme be approved by the Committee, there was still a need for reserving the provision of Wing Ting Road Extension in future as it was a more desirable arrangement. It was suggested that a condition should be imposed to allow such flexibility. Moreover, given that the scale of the proposed

development was quite large, it was expected that the pedestrian and traffic flows generated would be very significant. There would be a need to minimize the conflicts between pedestrians and traffic. The applicant should be required to provide proper pedestrian circulation arrangements.

15. In reply to the Chairperson's question, Mr. Raymond K.W. Lee said that according to the design of the current scheme, it might still be possible to allow the provision of Wing Ting Road Extension in future. This could be further discussed with the applicant and incorporated in the lease as lease modification for the site had not yet been completed. Mr. James Merritt said that if Wing Ting Road Extension was to be provided in future, the Government would have to resume the private land, and the future flat owners might oppose to such arrangement. The Chairperson said that to allow flexibility, a suitable condition making reservation for the provision of Wing Ting Road Extension could be imposed if the application was approved, and a similar requirement could also be incorporated into the lease so that future residents should be aware of such a requirement. To address Members' concern on pedestrian circulation arrangements, the condition in paragraph 10.8(f) of the Paper could also be suitably revised. The Committee agreed.

#### Layout of the Shopping Mall

16. In response to the concern raised by a Member, Members had a discussion on the layout of the shopping mall in the current scheme and its effect on the historical buildings. Members agreed to the concern raised by the CTP/UD&L, PlanD in paragraph 8.1.13(b) of the Paper in that the layout of the shopping mall in the current scheme was inferior to the previously approved scheme as the retail components were too close to the historical buildings in the atrium. Members considered the current layout not acceptable and were not satisfied with the applicant's responses as stated in paragraph 8.1.14 of the Paper as there was no strong justification provided. Members agreed that the applicant should adhere to the previously approved layout to allow sufficient separation of the retail components from the historical buildings. If the applicant wanted to amend the layout in the approved scheme, a further application could be submitted to the Committee for consideration.

17. After deliberation, the Committee decided to partially approve the application,

on the terms of the application as submitted to the Town Planning Board (TPB) but excluding the amendments to the shopping mall. The permission should be valid until 3.2.2010, 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 revised Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions (b), (c), (e), (f), (g), (h), (i), (l), (m) and (n) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of the section of Ping Ting Road from Fung Shing Street to the proposed development, the improvement works to the existing service lane at Ngau Chi Wan Market, and the access road from Clear Water Bay Road to the proposed development, as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) provision should be made within the site to allow for the future Wing Ting Road Extension leading to Ngau Chi Wan Market to the satisfaction of the Director of Lands or of the TPB;
- (d) the design and provision of improvement works to the road junctions at Clear Water Bay Road/Lung Cheung Road, Clear Water Bay Road/New Clear Water Bay Road, Fung Shing Street/Ping Ting Road, and Jat's Incline/Clear Water Bay Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and provision of lay-bys along Clear Water Bay Road to the south of the proposed development and in front of the existing public mini-bus terminus, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (f) the design, provision and maintenance of the pedestrian elevated walkway to Choi Wan Estate and the pedestrian connection to Choi Hung Mass Transit Railway Station, as proposed by the applicant, and their opening hours to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and provision of the pedestrian circulation and vehicular access arrangements, and parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design, provision and maintenance of public open space of not less than 2,200m<sup>2</sup> in area to the satisfaction of the Director of Planning or of the TPB;
- (i) the submission and implementation of landscape master plan including tree preservation, tree planting and transplanting schemes to the satisfaction of the Director of Planning or of the TPB;
- (j) the design, provision and maintenance of landscape enhancement works to the adjacent slope near Choi Wan Estate, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB;
- (k) the diversion and protection of the existing water mains within and/or adjacent to the development site, the provision of working space for the construction of the proposed water mains under project 9090WC and other interface requirements to the satisfaction of the Director of Water Supplies or of the TPB;
- (l) the submission and implementation of a conservation plan for preservation of the historical buildings/structures to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (m) the design and provision of emergency vehicular access, water supply for fire-fighting and fire services installations to the satisfaction of the

Director of Fire Services or of the TPB; and

- (n) the submission and implementation of the development programme of the proposed development to the satisfaction of the Director of Planning or of the TPB.

18. The Committee also agreed to advise the applicant :

- (a) to note and address Members' concerns on the design and disposition of the escalators in relation to the historical buildings in the revised MLP;
- (b) to liaise with the District Officer (Wong Tai Sin), Home Affairs Department to address the local concern on traffic matters/arrangements during the implementation of the proposed development;
- (c) to note the comments of the Director of Water Supplies regarding the submission of the details of the proposed elevated walkway and a geotechnical monitoring programme to detect movement of adjacent water mains prior to the commencement of the construction works;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in respect of exploration of various design measures to reduce the visual impact of the podium of the proposed development on the neighbouring area;
- (e) to note the comments of the Director of Buildings regarding the details on the building plan submission under the Buildings Ordinance; and
- (f) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon

as practicable.

19. The Committee also decide to reject the amendments to the shopping mall for the reason that the general layout of the shopping mall in the current scheme was unsatisfactory and inferior to the previously approved scheme as the retail components were too close to the historical buildings in the atrium.

[Professor N.K. Leung and Ms. Margaret Hsia left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

(ii) A/K13/209 Proposed 'Shop and Services'  
in "Other Specified Uses" annotated "Business" zone,  
Workshop 1A, G/F, International Plaza,  
20 Sheung Yuet Road,  
Kowloon Bay (NKIL 5836)  
(MPC Paper No. A/K13/209)

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(iii) A/K13/210 Proposed 'Shop and Services'  
in "Other Specified Uses" annotated "Business" zone,  
Workshop 1B, G/F, International Plaza,  
20 Sheung Yuet Road,  
Kowloon Bay (NKIL 5836)  
(MPC Paper No. A/K13/210)

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#### Presentation and Question Session

20. The Chairperson said that the two applications (No. A/K13/209 and 210) were submitted by the same applicant and both applications concerned shop and services use at two adjoining premises on the ground floor of the same industrial building and could be considered together. Members agreed. The Chairperson then invited Miss Helen L.M. So, STP/K, to brief Members on the background to the applications.

21. Miss Helen L.M. So presented the two applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed shop and services use;
- (c) departmental comments – concerned Government departments, including the Fire Services Department, Transport Department and Buildings Department, had no objection to or no adverse comments on the two applications;
- (d) One public comment each on the two applications were received during the public inspection period expressing agreement to the uses under application; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the two applications for the reasons detailed in paragraph 11.1 of the Papers.

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

22. Members had no question on the two applications.

### Deliberation Session

#### Applications No. A/K13/209 and A/K13/210

23. After deliberation, the Committee decided to approve the two applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Both permissions should be valid until 3.2.2008, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were each subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including complete separation of the proposed 'Shop and Services' use from the industrial portion of the subject building by proper fire resistance construction and design, and provision of means of escape and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

24. The Committee also agreed to advise the applicants that :

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

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

[Open Meeting (Presentation and Question Session only)]

- (iv) A/K14/497 Proposed Shop and Services  
(Bank/Retail/Showroom/Supermarket/  
Fast Food Shop/Photographic Studio)  
in “Other Specified Uses” annotated “Business” zone,  
Unit H, G/F, Everest Industrial Centre,  
396 Kwun Tong Road,  
Kwun Tong  
(MPC Paper No. A/K14/497)
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Presentation and Question Session

25. Miss Helen L.M. So, 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/retail/showroom/supermarket/fast food shop/photographic studio) use;
- (c) departmental comments – highlighting that the Fire Services Department (FSD) objected to the application as the floor area of the proposed use under application had exceeded the tolerable limit of 460m<sup>2</sup> for the fully sprinklered industrial building;

[Ms. Sylvia S.F. Yau returned to join the meeting at this point.]

- (d) Three public comments were received during the public inspection period. Two supported the application and one objected to the application mainly on environmental hygiene ground; and
- (e) Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper, mainly

due to FSD's objection to the application on fire safety ground.

26. Members had no question on the application.

#### Deliberation Session

27. After deliberation, the Committee decided to reject the application and the reason was that the application was not acceptable from fire safety point of view.

[Open Meeting (Presentation and Question Session only)]

(v) A/K15/74 Proposed Residential/Commercial Development  
in "Residential (Group E)" zone,  
5 Tung Yuen Street (YTIL 4A),  
Yau Tong  
(MPC Paper No. A/K15/74)

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28. The application was submitted by a subsidiary of Wharf (Holdings) Limited. The Committee noted that Dr. Greg C.Y. Wong, having current business dealings with Wharf (Holdings) Limited, had declared an interest in this item.

[Dr. Greg C.Y. Wong left the meeting temporarily and Ms. Margaret Hsia returned to join the meeting at this point.]

#### Presentation and Question Session

29. Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to the previously approved residential/commercial scheme (application No. A/K15/71);

- (c) departmental comments – concerned Government departments, including the Transport Department, Fire Services Department and Buildings Department, had no objection to or no adverse comments on the application;
- (d) One public comment was received during the public inspection period expressing agreement to the application; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 9.1 of the Paper in that the proposed amendments mainly involved the inclusion of a small additional strip of Government land. There would only be a slight increase in site area (184.7 m<sup>2</sup> or 4.89%) and a corresponding increase in gross floor area (GFA) of about 1,108 m<sup>2</sup>. The other major development parameters would be the same as those in the previously approved scheme. The proposed residential/commercial development was in line with the planning intention of the “Residential (Group E)” zone to phase out non-conforming industrial uses. By incorporating the proposed mitigation measures, the proposed development could meet the relevant Air Quality Objectives and Noise Standards as stipulated in the Hong Kong Planning Standard Guidelines, and would not cause any adverse traffic and infrastructural impacts on the surrounding developments.

30. Members raised the following questions:

- (a) whether the applicant was to be allowed to include the strip of Government land for plot ratio calculation just because the applicant would take up the landscaping and maintenance responsibilities. There would be an increase in the building bulk;
- (b) referring to Plan A-2, why was the large plot of Government land to the north of YTIL 4 included in the scheme;

- (c) Noting that the proposed residential development was surrounded by fish market, concrete batching plants and industrial buildings, and the Director of Environmental Protection did not support the application, whether there would be any measures to address the interface problem; and
- (d) why was the road width at the middle part of Shung Tak Wai narrower, and whether there would be any adverse traffic impact.

31. In reply, Mr. Raymond K.W. Lee, DPO/K, made the following points:

- (a) referring to Plan A-2, the additional strip of Government land included in the current scheme was currently maintained by the Government. The applicant undertook to take up the management and maintenance responsibilities of that strip of land;
- (b) referring to Plan A-4, the large plot of Government land to the north was a slope with dense vegetation. The slope had already been included in the previously approved scheme for plot ratio calculation but would not be built over under both the previous and current schemes;
- (c) the interface problem had been thoroughly discussed by the Committee when approving the previous application on 28.1.2005. Although the Director of Environmental Protection did not support the application, there was no technical ground to reject the proposed development. Taking into account the planning intention of the “Residential (Group E)” zone to phase out non-conforming industrial uses, and with imposition of appropriate mitigation measures, the Committee approved the previous application; and
- (d) there was no information at hand on why the road width at the middle part of Shung Tak Wai was narrower, but there was no plan for widening Shung Tak Wai.

### Deliberation Session

32. In response to a Member's question on the policy of inclusion of Government land for plot ratio calculation, particularly for the slope area within the site, the Secretary explained that while slopes could be included in a private development site for maintenance purpose, according to the Hong Kong Planning Standards and Guidelines (HKPSG), they should not be included in a development for plot ratio calculation. However, the HKPSG was guidelines only and the Town Planning Board might approve each case on its own merits. Whether a particular plot of Government land could be used for gross floor area (GFA) calculation would also be discussed in the land grant stage. For this site, the Committee had agreed to the inclusion of the slope in the northern part when approving the previous scheme, taking into account that the increase in GFA would not have adverse impacts on the surrounding area.

[Mr. Daniel B.M. To left the meeting temporarily at this point.]

33. Another Member raised concern that the proposed residential development was surrounded by fish market, concrete batching plants and industrial buildings. The Secretary said that the fish market and concrete batching plants were zoned "Comprehensive Development Area" ("CDA"). The area was undergoing transformation and some developers were currently working together with a view to developing the "CDA" site. The same Member said that the Government should be more proactive to facilitate the transformation.

34. In response to a Member's question, Mr. Simon Hui advised that imposing a condition was unlikely to solve the unsatisfactory environmental conditions which had been regarded as not good planning at this stage. As the Director of Environmental Protection (DEP) had not supported the application, the DEP would not be satisfied with any layout. He therefore suggested that the "satisfaction to the DEP" condition be removed or replaced by the actual proposal by the applicant i.e. kitchens and bathrooms facing the seaview. The Secretary said that the proposal was approved on the terms as submitted. If there was a substantial change in the building layout, the applicant would have to re-submit a revised

scheme to the Committee for approval.

35. The Chairperson said that the issue was related to how to deal with the old industrial areas in Hong Kong. With the structural changes in the economy, a lot of industrial uses were gradually phasing out. The planning application system could provide an opportunity to help transform old industrial areas to other uses. There was always a certain transitional period during the transformation. For those forerunners as in the subject case, the applicants had to overcome a lot of environmental problems for residential development. They might come back with better schemes after obtaining the first approval.

36. In response to a Member's question on whether it was possible to have a non-insitu land exchange arrangement, Mr. James Merritt said that such proposal would have to be submitted to the Executive Council for approval. He considered that the current scheme to include the strip of Government land for landscaping and maintenance by the applicant was sensible.

37. A Member opined that only the part of the Government land used as landscaped area should be included in plot ratio calculation. Another Member said that although the developer would take up the landscaping and maintenance responsibilities, he had reservation in granting additional GFA because of the general implication on building bulk. The granting of additional GFA by including the Government land was a policy issue which needed to be reviewed.

38. In response to a Member's question, the Secretary said that the concerned strip of Government land would be used as private open space. The same Member was of the view that additional GFA should not be granted under such circumstances.

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

39. Noting some Members' concern on the increase in building bulk, a Member asked whether the site coverage of the development would be increased. Mr. Raymond K.W. Lee said that while the average flat size would be increased by 3.6m<sup>2</sup>, there would be no increase in site coverage and building height. According to the applicant's proposal, the

internal design would be modified to accommodate the additional GFA. The same Member considered that the application was supported as there would be no major disbenefits arising from the proposed amendments to the previously approved scheme.

40. A Member said that as a large piece of slope had already been included in the previous scheme, there was no objection to allow inclusion of the additional strip of Government land for plot ratio calculation. However, for future cases, a more prudent approach should be adopted especially when large piece of Government land was involved. Some other Members shared the same view.

41. The Chairperson said that the slope area had already been included in the previously approved scheme, and there were conditions imposed by the Committee and in the lease to ensure implementation of the landscape proposal and restricting tree felling to safeguard amenity. For the current scheme, the inclusion of the small strip of land as landscaped area at Shung Yiu Street would help improve the streetscape, which could be regarded as a planning merit. The Chairperson noted that majority of Members considered the application approvable as there was no adverse impact. However, for future similar cases, a more prudent approach based on the guidelines laid down in the HKPSG should be adopted.

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

42. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.2.2010, 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 design and provision of parking facilities, loading/unloading spaces, vehicular access and vehicular manoeuvring space of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;

- (b) the setting back of the proposed development along Tung Yuen Street and Shung Tak Wai for footpath widening purpose to the satisfaction of the Commissioner of Transport or of the TPB;
- (c) the provision, management and maintenance of the public staircase, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (d) the design of the building layout to incorporate noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (f) the design and provision of emergency vehicular access, water supplies for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

[The Chairman thanked Mr. Raymond K.W. Lee, DPO/K, and Miss Helen L.M. So, STP/K, for their attendance to answer Members' enquiries. Mr. Lee and Miss So left the meeting at this point.]

[Ms. Sylvia S.F. Yau and Dr. Greg C.Y. Wong returned to join the meeting while Mr. Erwin A. Hardy left the meeting temporarily at this point. Also, Mr. Tony W.C. Tse left the meeting at this point.]

[A short break of 5 minutes was taken.]

## Hong Kong District

### Agenda Item 4

#### Section 16 Application

[Open Meeting (Presentation and Question Session only)]

A/H3/369            Proposed Hotel (Guesthouse)  
                         in “Residential (Group A)” zone,  
                         Upper G/F, 1/F to 12/F, A1 Aqmar House,  
                         30 Hollywood Road,  
                         Sheung Wan  

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                         (MPC Paper No. A/H3/369)

#### Presentation and Question Session

43.            The Committee noted that the applicant had requested on 13.1.2006 for deferment of the consideration of the application to allow time to address technical issues raised by the Buildings Department.

#### Deliberation Session

44.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission 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 were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

**Tsuen Wan and West Kowloon District**

[Mr. Louis K.H. Kau, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), was invited to the meeting at this point.]

**Agenda Item 5**

**Section 16 Applications**

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

- (i)           A/K1/212                   Minor Relaxation of Height Restriction for Erecting an Advertisement Signboard (from 13.2 mPD to 14.5 mPD) in “Other Specified Uses” annotated “Cultural Square and Public Open Space with Underground Commercial Complex and Car Park” zone, 12 Salisbury Road, Tsim Sha Tsui (KIL 10978) (MPC Paper No. A/K1/212)
- 

**Presentation and Question Session**

45.           Mr. Louis K.H. Kau, DPO/TWK, draw members’ attention to the replacement page 7 tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of height restriction for erecting an advertisement signboard;

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

- (c) departmental comments – highlighting that the Director of Leisure and Cultural Services had reservation on the application as the proposed signboard was too large which would seriously affect the harmonious cultural setting of the area. Furthermore, the Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application as there was no apparent design merit to justify the proposed minor relaxation of height restriction for the commercial signboard. The proposed signboard structure was also visually incompatible with and disproportionate to the original glass entrance atrium structure of the underground shopping mall at the back;
- (d) One public comment was received during the public inspection period expressing no comment on the application; and
- (e) Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper in that the proposed relaxation in height from 13.2 mPD to 14.5 mPD, which represented an increase of 14.4%, was considered not minor. There was no design merit to justify the relaxation of the height restriction for the commercial signboard and the proposed signboard structure was incompatible with the adjoining environment.

46. Members had no question on the application.

#### Deliberation Session

47. Some Members considered that the proposed advertisement signboard was not in keeping with the adjoining cultural and waterfront setting. A Member asked whether advertisement signboards could be controlled by the Town Planning Board. The Secretary said that the issue on control of advertisement signboards had been thoroughly reviewed in the course of the Comprehensive Review of the Town Planning Ordinance (TPO) in 1991. After extensive consultation, a consensus had been reached that there was already adequate control under other legislation and special provision to control advertisement signboards in

the TPO was considered not necessary. PlanD could pass their comments on signboards to other concerned departments.

48. In response to the same Member's question on whether the urban design considerations could be applied to control the advertisement signboards in special areas like the subject case, the Secretary said that relevant control of signboards had already been incorporated into the Urban Design Guidelines. When Planning Department commented on signboards, reference would be made to the Urban Design Guidelines. For the subject case, Planning Department had expressed its view that the application was not supported because of its strategic location along the waterfront and its incompatibility with the adjoining environment. From the policy perspective, the control of advertisement signboards had been reviewed again in the process of drafting the Town Planning (Amendment) Ordinance 2004 and a policy decision had been made that the control of signboards would not be included in the TPO.

49. Some Members asked whether there would be any control if the existing signboard was rebuilt within the height restriction stipulated in the Outline Zoning Plan, and who would be giving the authority for the approval. The Secretary said that an application to the Lands Department for approval under the lease would be required. The proposal would then be circulated for departmental comment by Lands Department and Planning Department would then comment on the proposal with reference to the Urban Design Guidelines. If the proposal was found objectionable, the Lands Department could reject the application from the lease point of view. Mr. James Merritt clarified that the Lands Department would have control on signboards placed on land and mounted on buildings within private lots if the relevant leases included condition on such control, as in the subject case. However, in certain old areas like Wan Chai and Yau Ma Tei where there were unrestricted lease, control might not be possible. The Secretary supplemented that there was also control by the Buildings Department under the Buildings Ordinance.

50. In response to a Member's question on whether the Lands Department could control large signboards extending over the roads and pavements, Mr. James Merritt said that the Highways Department could exercise control to ensure sufficient headroom for traffic safety.

51. A Member suggested to add a further reason for rejection that it was not preferable to erect a large commercial signboard at the subject location. The Chairperson said that as the application was only related to minor relaxation of the height restriction, it might not be appropriate to include such a reason. Nevertheless, Members' views would be recorded in the minutes and the Lands Department could take note of Members' comments when processing future submissions of signboards on the site.

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

- (a) the proposed relaxation in height from 13.2 mPD to 14.5 mPD, which represents an increase of 14.4%, was considered not minor; and
- (b) there was no design merit to justify the relaxation of the height restriction for the commercial signboard.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/K3/476 Proposed Flat  
in "Residential (Group E)" zone,  
7 Arran Street,  
Mong Kok (KIL 8075)  
(MPC Paper No. A/K3/476)

[Dr. Greg C.Y. Wong left the meeting at this point.]

#### Presentation and Question Session

53. The application was submitted by a subsidiary of Sun Hung Kai Properties Limited. The Committee noted that Dr. Greg C.Y. Wong, Dr. Alex S.K. Chan and Mrs. Angelina P.L. Lee, having current business dealings with Sun Hung Kai Properties Limited, had declared interests in this item. Dr. Greg C.Y. Wong had just left the meeting. Dr. Alex

S.K. Chan and Mrs. Angelina P.L. Lee had tendered their apologies for being unable to attend the meeting.

54. 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 residential development;
- (c) departmental comments – concerned Government departments, including the Transport Department, Environmental Protection Department, Fire Services Department and Buildings Department, had no objection to or no adverse comments on the application;
- (d) One public comment was received during the public inspection period, expressing no comment on the application; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper in that the proposed residential development was in line with the planning intention of the “Residential (Group E)” zone to phase out non-conforming industrial uses. The proposed development would unlikely generate adverse environmental and traffic impacts.

55. Members had no question on the application.

#### Deliberation Session

56. A Member referred to the footnote in paragraph 1.3 of the Paper and asked whether the covered landscape garden would be exempted from gross floor area (GFA) calculation. In response, the Secretary explained that in general, covered landscape garden would be exempted from the GFA calculation by the Building Authority (BA), and PlanD

would generally follow the BA's practice. Each case would however be considered on its own merits. In some cases, the exemption for certain part of a covered landscape garden would not be granted if the BA considered that the scale of covered landscape garden was too excessive or might be subject to abuse. If this happened to the subject case, the total GFA of the development would be increased and exceeded the maximum plot ratio stipulated in relevant Outline Zoning Plan, the applicant would have to amend the scheme and submit a revised scheme to the Committee for approval.

57. Referring to the ground floor plan shown on Drawing A-1, the same Member raised concern on whether the area at the southern side of the lift lobby could be easily accessible and be usable by the residents. The Chairperson said that PlanD could relay this concern to the BA for consideration at the building plan submission stage.

58. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.2.2010, 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 condition that the provision of water supplies for firefighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the Director of Lands should be consulted on the lease modification requirements for the proposed residential development on the site; and
- (b) the approval of the application did not imply that the proposed gross floor area 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.

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

[Open Meeting (Presentation and Question Session only)]

- (iii)           A/K5/605                   Proposed Shop and Services  
in “Other Specified Uses” annotated “Business” zone,  
Unit B3, G/F, Manley Tower,  
Hong Kong Spinners Industrial Building, Phase IV,  
828 Cheung Sha Wan Road  
(MPC Paper No. A/K5/605)
- 

[Mr. Erwin A. Hardy left the meeting at this point.]

Presentation and Question Session

60.           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 shop and services use;
- (c)   departmental comments – concerned Government departments, including the Transport Department, Environmental Protection Department, Fire Services Department and Buildings Department, had no objection to or no adverse comments on the application;
- (d)   Two public comments were received during the public inspection period, which either had no objection to or no adverse comments on the application; and
- (e)   Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

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

61. Members had no question on the application.

Deliberation Session

62. On the Town Planning Board Guidelines for development within the “Other Specified Uses” annotated “Business” zone (TPB PG-No.22C), the Secretary briefly explained that according to the criteria of the Fire Services Department, the aggregate commercial floor areas should not exceed 460m<sup>2</sup> and 230 m<sup>2</sup> in an existing industrial building with and without sprinkler systems respectively. Such criteria applied to the ground floor of an industrial building.

63. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.2.2008, 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 fire safety measures, including complete separation of the proposed ‘Shop and Services’ use from the industrial portion of the subject building by proper fire resistance construction and design, and provision of means of escape and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

64. The Committee also agreed to advise the applicant :

- (a) to consult the District Lands Officer/Kowloon West, Lands Department regarding the application for temporary wavier; and

- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the submission of building plans.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/TW/379 Proposed Columbarium, Shop and Services  
(Retail Shop only),  
Access Road and Taxi Rank for Religious Institution  
in “Government, Institution or Community(1)”,  
“Government, Institution or Community(3)”  
and “Green Belt” zones,  
Various Lots in DD 447 and Adjoining Government Land,  
Tsuen Wan  
(MPC Paper No. A/TW/379)
- 

#### Presentation and Question Session

65. The Committee noted that the applicant had requested on 13.1.2006 for deferment of the consideration of the application to allow time to prepare sufficient technical information.

#### Deliberation Session

66. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission 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 were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. Louis K.H. Kau, DPO/TWK, for his attendance to answer

Members' enquiries. Mr. Kau left the meeting at this point.]

**Agenda Item 6**

Any Other Business

67. There being no other business, the meeting was closed at 12:00 noon.