

TOWN PLANNING BOARD

Minutes of 321st Meeting of the Metro Planning Committee held at 9:00 a.m. on 17.2.2006

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Dr. Rebecca L.H. Chiu

Mr. S.L. Ng

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

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

Mrs. Angelina P.L. Lee

Mr. K.G. McKinnell

Dr. Greg C.Y. Wong

Mr. Erwin A. Hardy

Professor N.K. Leung

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
Mr. Anthony K.O. Luk

Agenda Item 1

Confirmation of the Draft Minutes of the 320th MPC Meeting held on 3.2.2006

[Open Meeting]

1. The Secretary reported that Mr. Simon Hui of the Environmental Protection Department proposed amendments to paragraph 34 of the draft Minutes. The proposed amendments as well as the corresponding amendments proposed by the Secretariat in the same paragraph were tabled at meeting for Members' consideration.

[Ms. Sylvia S.F. Yau and Mr. Daniel B.M. To arrived to join the meeting at this point.]

2. With reference to the third line of the proposed amendment, a Member commented that it was inappropriate to describe the case as wrong planning which should be considered in the context of the case in totality. Some Members asked if 'wrong planning' were the exact words used by Mr. Simon Hui at the meeting. A Member recalled that some Members expressed that the proposed residential development was unsatisfactory in view of the surrounding environmental conditions. The Secretary said that residential development at the site might not be desirable in the interim period, but it was the long-term planning intention to phase out the industrial uses in the area for residential developments. After checking the record taken at the meeting, the Secretary said that the wording used by Mr. Simon Hui was 'it was not a desirable site for residential development at the present stage'. After discussion, Members agreed that the words 'wrong planning' could be replaced by 'not good planning at this stage'.

3. The draft minutes of the 320th MPC meeting held on 3.2.2006 were confirmed subject to the following amendments to paragraph 34 :

"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."

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

Agenda Item 2

Matters Arising

[Open Meeting]

(i) **Approval of Three Outline Zoning Plans**

4. The Secretary informed Members that on 7.2.2006, the Chief Executive in Council (CE in C) approved the draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/9A (renumbered S/YL-TYST/10), Tai Long Wan OZP No. S/SK-TLW/4A (renumbered S/SK-TLW/5) and Cheung Chau OZP No. S/I-CC/2A (renumbered S/I-CC/3) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of these OZPs would be notified in the Gazette on 17.2.2006.

(ii) **Reference Back of One Outline Zoning Plan**

5. The Secretary reported that on 7.2.2006, the CE in C referred the approved Aberdeen and Ap Lei Chau OZP No. S/H15/21 back to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the approved OZP for amendment would be notified in the Gazette on 17.2.2006.

Hong Kong District

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

Agenda Item 3

[Open Meeting (whole agenda item)]

Redevelopment of Caroline Hill Road Site,
Proposed Zoning Amendment of
Approved Wong Nai Chung Outline Zoning Plan No. S/H7/11
(MPC Paper No. 5/06)

6. The Secretary declared an interest in this item because her residence overlooked the application site. Members considered that since the Secretary was not a Member of the Committee and would not participate in the discussion of this item, she should be allowed to stay in the meeting.

Presentation Session

7. Mrs. Alice K.F. Mak, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the proposed zoning amendment and the draft Planning Brief for the Caroline Hill Road site (the Site);
- (b) the development proposal including the uses, development parameters, provision of public transport terminus (PTT) and public open space, and the proposal on preservation of the trees and the masonry walls; and
- (c) departmental comments – no adverse comments from concerned Government departments were received. However, the Environment, Transport and Works Bureau, the Highways Department and the Lands Department suggested that the funding for the management/maintenance responsibility of the PTT, pedestrian subway and public open space should be confirmed before the redevelopment scheme was finalized.

Discussion Session

Proposed uses and development intensity

8. A Member expressed support to the proposed rezoning of the Site to “Comprehensive Development Area” (“CDA”) to facilitate its redevelopment. Another Member commented that the proposed plot ratio of 3.4 or 3.8 (including the proposed PTT) was an appropriate development intensity within the existing densely developed area.

9. One Member asked whether the whole Site could be developed for pure residential use in order to capture the tranquil atmosphere of the neighbourhood primarily comprising school, residential, and Government, institution and community uses. In response, Ms. Christine K.C. Tse, DPO/HK, said that since the Site was located at the fringe of the commercial district of Causeway Bay, the northern part of the site was proposed to be developed for commercial use to capture the pedestrian movement from the commercial district. This commercial portion would also act as a buffer to screen off traffic nuisance from Leighton Road. The southern part was proposed for residential use. The split between the commercial and residential GFA was subject to market demand in future.

Provision of PTT and the related pedestrian and traffic issues

10. Quite a number of Members were concerned about the provision of PTT and sought clarification on the following points :

- (a) whether the PTT was included in the plot ratio calculation;
- (b) whether there was a need for a PTT at this location which was at the fringe of Causeway Bay;
- (c) whether the additional traffic generated from the PTT would change the character of the area to commercial similar to areas along Yee Woo Street;
- (d) since there was no on-street queuing area for buses and minibuses for entering the PTT, whether the proposed PTT would aggravate the existing

congested local traffic, especially at the junctions of Leighton Road and Caroline Hill Road;

- (e) as there were a number of PTTs in Causeway Bay, for example, at Moreton Terrace and underneath Park Towers at Tin Hau MTR Station, whether there was a need for another PTT in this area; and
- (f) in view of the limited scope in widening the pedestrian paths along Yun Ping Road, whether the proposed 5m wide pedestrian subway was sufficient to handle the pedestrian flow from the PTT to central Causeway Bay.

11. Mr. James Merritt also questioned the need for a PTT as the local traffic was already congested, particularly when there was major event at the Hong Kong Stadium.

12. In response, Ms. Christine K.C. Tse and Mrs. Alice K.F. Mak made the following points :

- (a) The total plot ratio of 3.8 had included the development of the PTT;
- (b) The PTT, including termini for buses, mini-buses and taxi, was proposed upon request by the Transport Department (TD). It was complementary to the pedestrianisation schemes in Causeway Bay (e.g. full-time pedestrianisation of Kai Chiu Road) as recommended in the Pedestrian Plan for Causeway Bay formulated by the Planning Department. To facilitate the implementation of the pedestrianisation schemes, some roadside bus stops would need to be relocated to PTTs to be provided in the area;
- (c) Shopping activities in Causeway Bay were concentrated in and around Yee Woo Street. Locating the PTT at the fringe of Causeway Bay would help divert the traffic away from the busy shopping district. Two other possible PTT locations at the fringe area including the sites near Bowrington Road Market and under the Victoria Park were recommended

in the Pedestrian Plan for Causeway Bay; and

- (d) The TD completed a Traffic Impact Assessment (TIA) which took into account the PTT, the proposed pedestrian tunnel across Leighton Road to Yun Ping Road, and the pedestrianisation and road improvement schemes in Causeway Bay. The TIA confirmed that the planning scheme was feasible from a traffic point of view if the gyratory road network recommended in the TIA was implemented. As indicated in Appendix I of the Paper, the gyratory road network extended to the Yun Ping Road with traffic running in a clockwise direction in and around the Site. This gyratory road network was only one of the possible traffic management schemes and the future developer might come up with other alternatives to address the traffic issue.

13. In response to Members' questions, Mr. Anthony Loo made the following points :

- (a) The existing PTTs in Causeway Bay were small in size and had been provided quite some time ago. For example, the PTT at Moreton Terrace was small and served as a terminus for a number of bus routes. Since some streets in Causeway Bay had already been turned into pedestrian priority area in the past few years, additional PTT was needed to cater for continuous demand for public transport in Causeway Bay. From transport point of view, the provision of one single large PTT instead of a few small PTTs might not be desirable as it would lead to concentration of too many people in a single locality;
- (b) The TD was aware that the present pedestrian flow in the area was not entirely satisfactory especially when there were major events at the Hong Kong Stadium. Apart from the gyratory road network, the PTT would be implemented together with a comprehensive traffic management scheme including junction improvement, re-routing of public transport services including franchised buses, green minibuses, residents' feeder bus services and taxis, and the provision of other pedestrian facilities such as staircases,

ramps, crossings and drop kerbs at various locations;

- (c) The TIA had taken into account the traffic conditions in case major events were held at the Hong Kong Stadium; and
- (d) The size of the PTT and the width of the pedestrian subway were only conceptual in nature. The TD would further review their scale together with the public transport services on Hong Kong Island.

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

Open space

14. Some Members sought clarification on the following points :

- (a) whether all the public open space would be provided at-grade and accessible by public;
- (b) as the Site was slightly sloping upward towards Caroline Hill Road, whether it was possible to specify the location of the open space in the Planning Brief to ensure that they would be provided at-grade; and
- (c) whether there was shortfall in the provision of open space in the area compared with the standards set out in the Hong Kong Planning Standards and Guidelines (HKPSG).

15. Ms. Christine K.C. Tse made the following responses :

- (a) A total of about 11,500m² public open space would be provided. About 4,500m² would be provided at ground level both within and around the residential development. Since the PTT would occupy a net site area of about 11,380m² on ground level, it would be difficult to provide all public open space at-grade. In this connection, an area of 7,000m² public open space would need to be provided at the podium level of the commercial

development to be accessed by the public through escalators or passenger lifts;

- (b) the design and locations of the public open space were only indicative as illustrated in the conceptual Master Layout Plan (MLP) on Plans 6 and 7 of the Paper. Members would have a chance to consider the design and locations of the public open space again when the MLP was submitted to the Committee for consideration; and
- (c) compared with the HKPSG standards, there was an existing shortfall of 1.6 hectares local open space in Wong Nai Chung district. The projected shortfall would be slightly increased to 1.7 hectares if the proposed provision of 1.15 hectares public open space at the Site was excluded. However, there was an existing and projected surplus of 5.7 hectares in district open space in the area due to the provision of a large open space at Happy Valley Recreation Ground.

Preservation of the trees and the masonry walls

16. Three Members sought clarification on the following points :

- (a) as some tree species would unlikely grow to a trunk diameter of 1m, whether most of the trees would ultimately be cleared thereby affecting the landscape and character of the area;
- (b) if the old masonry walls would need to be preserved, whether it would affect the provision of the PTT and public enjoyment of the open space; and
- (c) whether it was possible to incorporate a building set-back in order to preserve the trees and the masonry walls which might be used as a design to complement the proposed commercial podium.

17. Ms. Christine K.C. Tse made the following responses :

- (a) one metre trunk diameter was not an absolute figure in deciding the threshold of preservation. Existing trees of less than 1m trunk diameter with good amenity value along the boundary of and within the Site should be preserved as far as possible. The future developer would be required to conduct a tree survey and to propose tree protection measures;
- (b) the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department considered that a detailed study on the historical significance of the existing masonry retaining/boundary walls was necessary. Subject to the findings of AMO, whole or part of the existing masonry walls would have to be retained. It was noted that only one tree was growing on the boundary walls. Other trees were merely close to the walls; and
- (c) The conceptual MLP attached to the Paper was only indicative based on the proposed development parameters. Given the medium density proposed for the Site, there was much flexibility for the future developer to propose a better design at the time of MLP submission taking into account of the findings of AMO and the tree survey.

18. In response to a Member's question, the Chairman clarified that the Committee could impose a condition requiring the future developer to retain the masonry walls on amenity grounds irrespective of their historical value. Members generally considered that the masonry walls should be preserved as far as possible. The Planning Brief would be amended accordingly.

Height restrictions

19. In response to a Member's question, Ms. Christine K.C. Tse said that in order to allow design flexibility, it might not be appropriate to specify an absolute building height. Instead, it was proposed to restrict the building height to 30 storeys including carports but excluding the PTT. Compared with the building height of the Beverly Hill (around 188m),

the residential blocks at the Site would only be around 105m to 110m (assuming 3m per storey) high. As the total plot ratio of 3.8 had already included the development of a PTT, the ultimate building height would not be greatly affected by the PTT. The visual impacts of the proposed development were illustrated in the photomontage at Plans 9 to 11 of the Paper.

20. A Member commented that preservation of trees and masonry walls were only technical issues that could be resolved through building design. The proposed provision of a PTT seemed to be a major issue that might not be easily addressed given the local traffic condition in this part of Causeway Bay. The Chairman remarked that the proposed PTT as well as the related traffic issue might also be of concern to the Wan Chan District Council when the Planning Department presented the scheme to them for consultation. Mr. Anthony Loo said that the size of the PTT and the proposed traffic management measures including the gyratory road network were initial concepts that might be revised if necessary.

21. A Member commented that since the area was at present not open to general public, provision of open space in future would allow the public to enjoy this area. This could be regarded as an improvement compared with the current situation. Members generally accepted the proposed development density as the basis for public consultation.

22. After deliberation, the Committee decided to agree that Planning Department should undertake consultation with the Wan Chan District Council on the proposed zoning amendment and the Planning Brief subject to the amendment to reflect Members' comments recorded in paragraph 18 above prior to the incorporation of the zoning amendment into the Wong Nai Chung Outline Zoning Plan.

[Mr. S.L. Ng left the meeting temporarily at this point.]

Agenda Item 4

[Open Meeting (whole agenda item)]

Proposed Amendments to the

Approved Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/21

(MPC Paper No. 6/06)

Presentation and Question Sessions

23. Mrs. Alice K.F. Mak, STP/HK, presented the proposed amendment and covered the following aspects as detailed in the Paper :

- (a) background to the proposed amendment to the draft Outline Zoning Plan (OZP) - Amendment Item A was to reflect a rezoning request agreed by the Committee on 25.11.2005. The rezoning request was submitted by the Ocean Park Corporation to facilitate its redevelopment scheme. Amendment Item B was related to the rezoning of two strips of waterfront sites to “Open Space” to form a continuous waterfront promenade. Amendment Items C to G were mainly to reflect existing uses or to tally with lot/land allocation boundaries. Opportunity was taken to delete the proposed alignment of Route 81 from the OZP;
- (b) background to the proposed amendment to the Notes of the OZP – the Notes of the OZP were proposed to be amended to tie in with the latest refinements of the revised Master Schedule of Notes to Statutory Plans endorsed by the Board on 6.1.2006. In relation to Amendment Item A, the user schedule for the “Other Specified Uses” annotated “Ocean Park” zone was revised to facilitate the proposed provision of public transport terminus and coach/car park within the new Ocean Park; and
- (c) departmental comments – no adverse comments from concerned Government departments and bureaux were received.

[Mr. S.L. Ng returned to the meeting at this point.]

24. Members had no question on the application.

Deliberation Session

25. The Chairman remarked that the proposed amendments were either reflecting the previous decisions of the Committee or involving technical amendments.

26. Mr. Anthony Loo said that the Route 81 was included in the OZP in 1970s. It was a long-term road proposal and there was no definite programme for its implementation. The Transport Department (TD) had no objection to its deletion from the OZP. However, this did not preclude the possibility that the route would be needed in future subject to a comprehensive study. In this connection, TD's stance as set out in paragraph 7.1 of the Paper should be revised.

27. After deliberation, the Committee decided to agree :

- (a) to the proposed amendments to the approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/21 as mentioned in paragraph 3 of the Paper;
- (b) that the draft OZP No. S/H15/21A at Attachment II(A) (to be renumbered to S/H15/22 upon gazetting) and its Notes at Attachment II(B) of the Paper respectively were suitable for gazetting under section 5 of the Town Planning Ordinance; and
- (c) that the revised Explanatory Statement (ES) at Attachment II(C) of the Paper be adopted as an expression of the planning intention and objectives for various land use zonings of the OZP and the ES would be published together with the OZP and its Notes.

[Mr. Anthony Loo left the meeting temporarily at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/149 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop 1, G/F,
Trend Centre,
29 Cheung Lee Street,
Chai Wan

(MPC Paper No. A/H20/149)

Presentation and Question Sessions

28. Mrs. Alice K.F. Mak, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) two public comments were received during the publication period. One indicated no comment on the application, while the other expressed the concern that the premises should not be used for off-course betting centre. One local comment expressing support to the application was received from the District Officer; and
- (e) the Planning Department’s views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper.

29. In response to the Chairman’s question on the nature of the public comment, Ms. Christine K.C. Tse, DPO/HK, said that the ‘shop and services’ use did not include off-course betting centre.

Deliberation Session

30. The Chairman remarked that the Fire Services Department had no objection to the application.

31. 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 17.2.2008, 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 provision of fire resistance construction and design, means of escape and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition was not complied with before the operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

32. The Committee also agreed to advise the applicant to note the comments from the District Lands Officer/Hong Kong East of Lands Department, the Director of Fire Services and the Chief Building Surveyor/Hong Kong East of Buildings Department in paragraphs 9.1.1, 9.1.2 and 9.1.3 respectively of the Paper.

[The Chairman thanked Ms. Christine K.C. Tse, DPO/HK, and Mrs. Alice K.F. Mak, STP/HK, for their attendance to answer Members' enquiries. Ms. Tse and Mrs. Mak left the meeting at this point.]

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

33. The meeting was adjourned for a short break at 10:45 a.m.

34. The meeting was resumed at 10:55 a.m.

- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper.

36. Members had no question on the application.

Deliberation Session

37. 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 17.2.2010, 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 of a sewerage assessment and the implementation of the mitigation measures identified to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the provision of fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

38. The Committee also agreed to advise the applicant to consult the Director of Food and Environmental Hygiene on the licensing requirements for operating a commercial bathhouse at the Premises.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TWW/81 Proposed Increase of Plot Ratio to 1.2
for House Development
in “Residential (Group C)2” zone,
Lots 414RP and 415 in DD 390,
Ting Kau,
Tsuen Wan West

(MPC Paper No. A/TWW/81)

Presentation and Question Sessions

39. The Committee noted that the applicant requested on 24.1.2006 for a deferment of the consideration of the application to allow time to address comments raised by various Government departments.

Deliberation Session

40. 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.

Agenda Item 7

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K2/172-1 Change in average room size from 14.57m² to 13.65m²,
representing a reduction 6.3%,
(Amendments to an Approved Scheme)
Proposed Guesthouse
in “Residential (Group A)” zone,
279-283 Shanghai Street,
Yau Ma Tei
(KIL 9224RP and 10131RP)

(MPC Paper No. A/K2/172-1)

Presentation and Question Sessions

41. 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) Class B Amendment – Category 4 : change in average room size from 14.57m² to 13.65m², representing a reduction of 6.3%;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) two local objections received from the District Officer raising objection on grounds of environmental and law and order aspects; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 8.1 of the Paper. Regarding the local objection, the Director of Environmental Protection had no objection to the application and it was considered that the Commissioner of Police would execute his responsibility to maintain public order.

42. Members had no question on the application.

Deliberation Session

43. The Chairman remarked that the proposed amendments involved changes in average guestroom size to meet the Buildings Department's requirements.

44. 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 24.6.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) the approval of the application did not imply that the gross floor area exemption for hotel concession and back of house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval; and
- (b) the Chief Officer/Licensing Authority of Home Affairs Department should be consulted on the licensing requirements for the proposed guesthouse development.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TW/284-1 Extension of Time for Commencement of the Approved Development under Application No. A/TW/284 for 3 Years until 31.3.2009 in “Comprehensive Development Area” zone, KCRC Site TW6, West Rail Tsuen Wan West Station, Tsuen Wan
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- (MPC Paper No. A/TW/284-1)

46. The application was submitted by the Kowloon-Canton Railway Corporation Limited (KCRC). Mr. Anthony Loo, Assistant Commissioner for Transport (Urban), being an Alternate Member for the Deputy Secretary for Environment, Transport and Works who

was an Alternate Member of the Board of KCRC, declared an interest in this item. Dr. Greg C.Y. Wong declared an interest in this item as he had current business dealings with KCRC. Mr. S.L. Ng declared an interest in this item as the organisation in which he was working was providing counselling and training services to KCRC staff. Members noted that Dr. Wong had tendered his apologies for being unable to attend the meeting.

[Mr. S.L. Ng and Mr. Anthony Loo left the meeting temporarily at this point.]

Presentation and Question Sessions

47. 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) extension of time for commencement of the approved development under Application No. A/TW/284 for three years until 31.3.2009;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one local objection received from the District Officer raising objection on ground of delay in implementation of the leisure facilities at the application site; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 7.1 of the Paper. Regarding the local objection, it was noted that the KCRC was liaising with the Leisure and Cultural Services Department (LCSD) on the implementation of the public indoor recreation centre/leisure centre (IRC/LC). The KCRC stated that the purpose of the application was to extend the planning approval for early implementation of the development and the IRC/LC.

48. A Member sought clarification on the past practices of the Committee in considering similar application and whether the planning circumstances would have been changed if the validity period was extended to 2009 (i.e. almost ten years from first application).

49. In response, the Secretary said that section 16A of the Town Planning (Amendment) Ordinance provided for amendments to the approved development proposals. Amendments are classified as Class A or Class B amendments. Extension of time for commencement of development was classified as a Class B amendment. According to the Town Planning Board Guidelines No. 35, any extension(s) of time for commencement of development should not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal. An advisory clause was proposed at paragraph 7.5(e) of the Paper, advising the applicant that any further extension of the validity of this permission would be outside the scope of Class B amendments. If further extension of time for commencement of development was needed, the applicant might submit a fresh application.

50. The Chairman added that the development programme was affected by the moratorium on land sale. The applicant had taken reasonable actions as set out in paragraph 7.1 of the Paper to implement the approved development.

Deliberation Session

51. The Chairman remarked that the applicant was earnest in implementing the approved development and the planning permission would lapse if the development was not commenced within the extension period.

52. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 3 years until 17.2.2009, on the terms of the application as submitted to the Town Planning Board. The permission should cease to have effect unless before the said date the development permitted was commenced. The permission was subject to the following conditions :

- (a) the submission of a revised Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions (b) to (h) below and the implementation of the revised MLP to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the reservation of site for the development of a public indoor recreation centre/leisure centre within the application site to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (c) the submission of a revised traffic impact assessment and the provision of vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and implementation of the footbridge and pedestrian links with the adjacent sites, as proposed by the applicant and at his own cost, to the satisfaction of the Director of Highways or of the Town Planning Board;
- (e) the design and provision of a new stormwater and sewerage system to connect with the existing facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (f) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (g) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
and
- (h) the submission and implementation of a revised development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the Town Planning Board.

53. The Committee also agreed to advise the applicant :

- (a) 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 possible;
- (b) to liaise with the Director of Leisure and Cultural Services and the Director of Architectural Services on the design and implementation of the public indoor recreation centre/leisure centre within the application site;
- (c) to consult the Director of Buildings on the compliance of the proposed development with the Buildings Ordinance; and
- (d) in consultation with the Tsuen Wan District Office, to meet with the Tsuen Wan District Council to explain the development proposal/MLP; and
- (e) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Board. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. Reference could be made to Town Planning Board Guidelines No. 35 and 36 for details.

[The Chairman thanked Ms. Heidi Y.M. Chan, DPO/TWK, and Miss Erica S.M. Wong, STP/TWK, for their attendance to answer Members' enquiries. Ms. Chan and Miss Wong left the meeting at this point.]

[Mr. S.L. Ng and Mr. Anthony Loo returned to the meeting at this point.]

[Dr. Peter K.K. Wong and Mr. Tony W.C. Tse left the meeting at this point.]

Kowloon District

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

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K13/211 Proposed ‘Shop and Services’
in “Other Specified Uses” annotated “Business” zone,
Workshop 2 (Portion), G/F,
Kenning Industrial Building,
19 Wang Hoi Road,
Kowloon Bay
(NKIL 5831)
(MPC Paper No. A/K13/211)
-

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) the proposed shop and services;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment was received indicating agreement to the proposal;
and

- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper.

55. In response to the Chairman's question, Mr. Raymond K.W. Lee, DPO/K, said that the applicant applied for shop and services use but planned to operate a fast food shop at the application premises. Shop and services use covered fast food shop.

56. In response to a Member's question, Mr. Raymond K.W. Lee said that the application premises only covered a portion of Workshop 2 of the subject industrial building. The entire workshop including the application premises was now vacant and some form of partition might be needed.

Deliberation Session

57. The Chairman remarked that the Fire Services Department had no objection to the application. The proposed shop and services use was the first of its kind in the subject building if it was approved by the Committee.

58. 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 17.2.2008, 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 proposed 'Shop and Services' use should be completely separated from the industrial portion of the subject building by proper fire resistance construction and design to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the provision of means of escape and fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the Town Planning Board;

- (c) the submission and implementation of fire safety measures to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) if condition (c) 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.

59. The Committee also agreed to advise the applicant :

- (a) to consult the District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver or lease modification for the proposed 'Shop and Services' uses;
- (b) that all loading/unloading activities should observe road restriction requirements in force; and
- (c) to consult the Director of Food and Environmental Hygiene on the need of a valid food license under the Food Business Regulation should the application premises be used as a 'fast food shop'.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K15/75 Proposed Residential/Commercial Development
in "Residential (Group E)" zone,
6 Cho Yuen Street,
Yau Tong
(YTIL 38)

(MPC Paper No. A/K15/75)

60. The application was submitted by the Fine Time Development Ltd., a subsidiary

of Henderson Land Development Co. Ltd. (Henderson). The Secretary reported that Mr. Tony W.C. Tse declared an interest in this item as Mr. Tse was the employee of Henderson. Members noted that Mr. Tse had left the meeting.

Presentation and Question Sessions

61. The Committee noted that the applicant requested on 8.2.2006 for a deferment of the consideration of the application to allow time to address comments raised by the Urban Design Unit of the Planning Department.

Deliberation Session

62. 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.