

TOWN PLANNING BOARD

**Minutes of 326th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 19.5.2006**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor Bernard V.W.F. Lim

Mr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Professor Paul K.S. Lam

Mr. K.Y. Leung

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

Assistant Director (Environmental Assessment),
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

Mr. Erwin A. Hardy

Mr. Leslie H.C. Chen

Professor N.K. Leung

Mr. Stanley Y.F. Wong

Mr. Felix W. Fong

Ms. Starry W.K. Lee

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Tony Y.C. Wu

Agenda Item 1

Confirmation of the Draft Minutes of the 325th MPC Meeting held on 28.4.2006

1. The draft minutes of the 325th MPC meeting held on 28.4.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

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

Kowloon District

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

[Messrs. Nelson W.Y. Chan and James Merritt arrived to join the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/K10/213 Proposed Hotel Development
in “Residential (Group A)” zone,
38 Sung Wong Toi Road, Ma Tau Kok
(MPC Paper No. A/K10/213)
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Presentation and Question Session

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

- (a) background to the application, highlighting that the application site was the subject of a scheme for hotel development approved by the Committee in 2000 (Application No. A/K10/189), with minor amendments approved in 2005 (Application No. A/K10/206);
- (b) the proposed hotel development, highlighting that the current scheme was similar to that of Application No. A/K10/206. The major changes were related to the adjustment of the hotel and retail gross floor area (GFA) and increase in the number of hotel rooms, with the proposed total GFA and overall building height remained unchanged;
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) two public comments were received during the publication period. One commenter agreed to the proposed development as it would improve the appearance of the area. The other commenter expressed strong dissatisfaction to the proposed development which involved an increase in the number of storeys compared with the scheme previously approved in 2000 and would devalue the property prices of the lower floors of the adjacent residential development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that the proposed development was considered not incompatible with the surrounding uses, the overall building bulk and absolute building height in terms of mPD were the same as that of the previously approved scheme, and relevant Government departments had no adverse comment on the application.

4. Members had no question on the application.

Deliberation Session

5. The Chairman remarked that the application was to amend a previously approved scheme and the overall building bulk and absolute building height remained the same as previously proposed. The major change was related to the internal layout of the development.

6. 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 19.5.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of loading/unloading space, tour bus lay-by of the proposed hotel development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a sewerage impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

7. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) that 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;

- (c) that the District Lands Officer/Kowloon West, Lands Department should be consulted on the land lease matters for the proposed hotel;
- (d) that the Chief Officer/Licensing Authority should be consulted on the licensing requirements for the proposed hotel;
- (e) that building plans for the proposed hotel should be submitted to Building Authority to demonstrate compliance with the Buildings Ordinance and the criteria under Practice Note for Authorized Persons and Registered Structural Engineers 111. The arrangement on Emergency Vehicular Access should also comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue; and
- (f) to introduce amenity planting at podium, roof and ground levels to improve the greenery of the proposed hotel and streetscape setting.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/K11/176 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop 1C, G/F, Canny Industrial Building,
33 Tai Yau Street, San Po Kong
(MPC Paper No. A/K11/176)
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Presentation and Question Session

8. With the aid of a Powerpoint presentation, Mr. Kelvin K.W. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the shop and services use;
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the shop and services use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and complied with the Town Planning Board Guidelines No. 22C for Development within the “OU(B)” Zone, and relevant Government departments had no adverse comment on the application.

Deliberation Session

9. Referring to the table at paragraph 6.1 of the Paper, the Chairman remarked that a total floor area of 230.6m² had previously been approved by the Committee for commercial uses on the ground floor of the subject industrial building. Approval of the application which involved a floor area of about 49m² would not result in exceeding the maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor of the industrial building which was provided with a sprinkler system.

10. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures including complete separation of the 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, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 19.11.2006; and

- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

11. The Committee also agreed to advise the applicant :

- (a) to apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the shop and services use;
- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the removal of the unauthorized cockloft within the application premises; and
- (c) that no vehicular access from Tai Yau Street to the application premises would be allowed.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/K15/73 Proposed Commercial/Residential Development
in “Residential (Group E)” zone,
Yau Tong Inland Lot (YTIL) 23,
13 Sze Shan Street, Yau Tong
(MPC Paper No. A/K15/73B)
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Presentation and Question Session

12. 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;
- (b) the proposed commercial/residential development;
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the publication period indicating agreement to the application. The District Officer/Kwun Tong advised that the public was always concerned about the impacts of the proposed development on the local condition and provision of community facilities in the Yau Tong area, and these concerns should be taken into consideration in processing the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed development was in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone and would not have adverse environmental, traffic and infrastructural impacts. Notwithstanding, PlanD did not support the application because the proposed development with a height of 166mPD was considerably higher than similar developments approved in the same locality, which did not exceed 150mPD. The approval of the application would set an undesirable precedent for developing similar or even taller buildings in the surrounding areas.

13. Members had the following questions on the application:

- (a) whether there were any photographs showing the application site in relation to the surrounding areas;
- (b) whether there was any information about the bonus plot ratio (PR) approved for similar developments in the area;
- (c) noting that the granting of bonus PR was under the jurisdiction of the

Building Authority, what was the extent of bonus PR the Board would normally consider acceptable;

- (d) amongst the 15 similar applications mentioned in paragraph 5 of the Paper, whether there was any case involving an original scheme with a taller building exceeding 150mPD that was rejected by the Board but was subsequently revised to below 150mPD and based upon which planning approval was obtained;
- (e) on what basis was a building height exceeding 150mPD considered unacceptable; and
- (f) whether the proposed setbacks of site boundary at Sze Shan Street and the road at the rear of the site for pavement widening were justified on traffic ground.

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

- (a) photographs of the application site and surrounding areas could be found at Plan A-4 of the Paper and in the supplementary planning statement submitted by the applicant. Building heights of the existing and approved developments in the vicinity of the site were shown at Plan A-3 of the Paper, which indicated that none of the approved developments was higher than 150mPD and all existing developments were of much lower building heights;
- (b) there was no information at hand on the bonus PR approved for similar developments in the area. For the current application, bonus PR was sought on the basis that the site boundary would be set back to allow for pavement widening, and similar extent of bonus PR was granted to developments in the area where the circumstances were the same;

- (c) according to the provisions under Remark (2) of the Notes of the “R(E)” zone, where the PR as defined in the Building (Planning) Regulations (B(P)R) was permitted to be exceeded in circumstances as set out in B(P)R 22(1) or (2), the PR restrictions stipulated under Remark (1) of the Notes were also permitted to be exceeded in accordance with the said Regulations. Similar provisions were applicable to various zones in many other OZPs;
- (d) referring to Plan A-3 of the Paper, there were six sites involved in the 15 similar applications. Except for Application No. A/H15/56 which proposed a building height of 160.5mPD, all similar applications proposed a height of not exceeding 150mPD. Application No. A/H15/56 was rejected by the Board upon review, and two revised schemes both with a height of 147mPD were subsequently approved (Applications No. A/K15/71 and 74);
- (e) as illustrated by similar developments approved in the area, a building height of 150mPD was sufficient for a development to achieve the maximum plot ratio permitted in the “R(E)” zone, i.e. 5 for domestic uses and 1 for non-domestic uses. The applicant had not provided any strong justifications to demonstrate that the permitted PR could not be accommodated within a building height of 150mPD. Furthermore, PlanD was undertaking a study on the area, with a view to recommending appropriate building height restrictions to guide development/redevelopment in the area. In order not to pre-empt the recommendations of the study, proposed development with excessive building height should not be approved at this stage; and
- (f) the applicant’s proposal for widening the pavements was acceptable to the Transport Department, and the setback requirements were consistently applied in the area.

15. The Chairman added that in the restructuring of obsolete industrial areas to residential or business uses, apart from traffic considerations, the setting back of development site boundary would also provide opportunity for landscaping and help enhance the

streetscape.

Deliberation Session

16. A Member said that the ridgeline at Kowloon had already been blocked significantly by developments when viewed from the Eastern District on Hong Kong Island to the Sam Ka Tsuen area. This Member was concerned that the situation would be aggravated by the proposed development and considered that the building height in the area should be controlled and the application should not be approved.

17. Another Member was concerned about the lack of control by the Board on the extent of bonus PR that would be granted. As illustrated in the Grand Promenade case, the granting of bonus PR on various grounds, such as the provision of public facilities and inclusion of green features, could result in a much bigger building bulk. For this application, the proposed bonus PR of 0.56 was nearly 10% in excess of the PR restriction under the OZP. Such extent should be the maximum acceptable. On the issue of building height, the Member supported PlanD's view that the proposed development which exceeded a height of 150mPD should not be approved. However, a rigid restriction on building height would not be desirable as it would result in a monotonous skyline. To allow for variation in building heights, a minor relaxation clause should be incorporated when building height restrictions were imposed.

18. The Chairman said that unlike the Grand Promenade case, the application site was zoned "R(E)" and subject to PR restrictions under the OZP. The current restrictions under the OZP had struck a balance between encouraging redevelopment and avoiding undue traffic, environmental and infrastructural impacts. The provisions for bonus PR were incorporated in the OZP to give incentives for dedicating private land for public use which would help improve the local environment in the course of restructuring of the area. It was a normal practice of the Board to incorporate a minor relaxation clause together with relevant development restrictions to provide more flexibility in development. In handling applications for minor relaxation, normally only those cases with planning and design merits would be approved.

19. On the application, the Chairman said that PlanD was undertaking a study on the building height of the area and recommendations would be made in due course. In the

meantime, it would not be appropriate to approve the proposed development with excessive building height without any strong justifications provided by the applicant. Members concurred with the Chairman's view and considered that the applicant could revise the development proposal and come up with a scheme with a lower building height.

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

- (a) the proposed building height was considered excessive and there was insufficient information to justify the excessive building height of the proposed development; and
- (b) it would set an undesirable precedent for similar or even taller residential developments in the area.

[Open Meeting (Presentation and Question Session only)]

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| (iv) | A/K18/237 | Proposed Minor Relaxation of
Building Height Restriction to Allow for
One Storey of Basement for Ancillary Plant Room Use
in a Proposed Residential Development
in "Residential (Group C)1" zone,
121 Boundary Street, Kowloon Tong (NKIL 701)
(MPC Paper No. A/K18/237) |
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Presentation and Question Session

21. As one of the consultants for the applicant was the Henderson Real Estate Agency Limited, which was a subsidiary company of the Henderson Land Development Company Limited (HLDCL), Mr. Raymond Y.M. Chan declared an interest in this item for having current business dealings with HLDCL.

[Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

22. 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;
- (b) the proposed minor relaxation of building height restriction;
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) two public comments were received during the publication period, both raising objection to the application. One commenter, the Incorporated Owners of Ming Court, considered that the proposed development would result in a taller building which would affect the view and property value of their building nearby, and the proposed relaxation was unnecessary for the provision of plant rooms. The other commenter was concerned about the noise and vibration during construction and future operation, and the adverse impacts on structural stability, lighting, ventilation, hygiene and harmony of building height in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that the proposed form of development would allow more space at ground level for at-grade planting which would enhance the amenity of the area and the proposed plant room would not have adverse impacts on the environment, drainage, traffic, visual and infrastructural provisions in the surrounding areas. Regarding the two public comments to the application, it was considered that the proposed development with three storeys above ground level would unlikely be out of context in the area and the proposed plant room at the basement level would unlikely have adverse impacts on the surrounding areas.

23. A Member asked how the height of 21.52mPD of the proposed development would compare with other 3-storey residential developments with no basement in the surrounding area. Mr. Raymond K.W. Lee replied that since all residential developments surrounding the site were zoned “Residential (Group C)1” with a building height restriction of 3 storeys, their heights were similar to that of the proposed development.

Deliberation Session

24. The Chairman said that putting the plant room at the basement level would allow more space at the ground level for tree planting and would not have adverse visual impact in the area. Furthermore, a similar application had previously been approved by the Committee in January 2006 (Application No. A/K18/233). Members agreed.

25. 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 19.5.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supply for fire fighting and fire service installation to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) machines/plants should be installed before issue of Occupation Permit to ensure that the plant room was properly used;
- (b) the approval of the application did not imply that the proposed gross floor area exemption in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct

to obtain the necessary approval;

- (c) a set of detailed photographic record of the existing building on site, where appropriate, should be provided to the Antiquities and Monuments Office of the Leisure and Cultural Services Department before demolition of the building; and
- (d) should the basement size be considered excessive during the building plan submission stage, a fresh planning application for the proposed development would be required.

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

[Mr. Raymond Y.M. Chan returned to the meeting and Mr. Daniel B.M. To left the meeting temporarily at this point.]

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Miss Erica S.M. Wong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 4

[Open Meeting (whole agenda item)]

Proposed Amendments to the

Draft Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/15

(MPC Paper No. 13/06)

Presentation and Question Session

27. Miss Erica S.M. Wong, STP/TWK, presented the proposed amendments to the OZP and covered the following aspects as detailed in the Paper:

- (a) the proposed amendments were to incorporate the latest refinements to the Master Schedule of Notes to Statutory Plans endorsed by the Board, including revision to the definitions of ‘existing use’ and ‘existing building’ in the covering Notes and revision to the Notes for the “Residential (Group E)” zone; and
- (b) opportunity was taken to amend the Explanatory Statement of the OZP as detailed in Appendix I(b) of the Paper to reflect the proposed amendments to the Notes and the latest status and planning circumstances of the OZP.

Deliberation Session

28. After deliberation, the Committee decided to :

- (a) agree that the draft Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/15A (to be renumbered as S/TWW/16 upon exhibition) in Appendix I(c) and its revised Notes at Appendix I(a) of the Paper were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance; and
- (b) adopt the updated Explanatory Statement (ES) at Appendix I(b) of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the various land use zonings of the draft Tsuen Wan West OZP and the updated ES would be published together with the OZP under the name of the Board.

[Ms. Maggie M.K. Chan left the meeting temporarily at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Further Consideration of Application No. A/KC/317

Proposed Expansion of the Existing Transmitter and Transposer Stations

in “Green Belt” zone, Government Land at Golden Hill, Kwai Chung

(MPC Paper No. A/KC/317)

29. The Committee noted that the application was submitted by the Television Broadcasts Limited (TVB) and Professor N.K. Leung had declared an interest in this item for having family members working in the TVB. Professor Leung had tendered his apology for being unable to attend the meeting.

Presentation and Question Session

30. 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, highlighting that the Committee considered the application on 23.12.2005 and decide to defer a decision pending submission of further information from the applicant to address the possible landscape and visual impacts of the proposed development;
- (b) the proposed expansion of the existing transmitter and transposer stations, highlighting that a visual impact assessment report was submitted by the applicant with proposals of periphery planting and colour treatment for the antenna tower to address the Committee’s concerns;

[Mr. Daniel B.M. To and Ms. Maggie M.K. Chan returned to the meeting at this point.]

- (c) departmental comments – no adverse comment from concerned Government departments was received;

- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 5.1 of the Paper in that the proposed development was to provide the essential facilities for launching the Digital Terrestrial Television Broadcasting and was in compliance with the Town Planning Board Guidelines No. 10 for Application for Development within “Green Belt” Zone, and relevant Government departments had no adverse comment on the application.

31. Members had no question on the application.

Deliberation Session

32. Referring to the advisory clause suggested in paragraph 5.3 of the Paper, a Member asked whether it would be sufficient just to advise the applicant to consult the Director of Agriculture, Fisheries and Conservation (DAFC) on the tree planting proposal within the Kam Shan Country Park. Ms. Heidi Y.M. Chan, DPO/TWK, replied that the DAFC had been consulted on the application. While having no in-principle objection to the application, the DAFC advised that further discussion with the applicant on details of tree planting within the Kam Shan Country Park was necessary and agreed that the suggested advisory clause would be sufficient.

33. 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 19.5.2010, 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 implementation of relevant protective measures at the application site to safeguard the water gathering grounds from pollution to the satisfaction of the Director of Water Supplies or of the TPB;

- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of the landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

34. The Committee also agreed to advise the applicant to consult the Director of Agriculture, Fisheries and Conservation on tree planting within the Kam Shan Country Park boundary.

[Professor Bernard V.W.F. Lim left the meeting at this point.]

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/TW/375 Proposed Flat
in “Residential (Group E)” zone,
106-114 Kwok Shui Road,
Tsuen Wan (KCTL 157)
(MPC Paper No. A/TW/375)

Presentation and Question Session

35. With the aid of a Powerpoint presentation, 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) the proposed residential development;

- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) two public comments were received during the publication period. One commenter objected to approving the application before mitigation measures to resolve the possible traffic congestion problem were duly provided. The other commenter suggested that the potential noise nuisance from neighbouring industrial buildings, and issues of traffic congestion and air quality should be taken into consideration. The District Officer/Tsuen Wan advised that some local residents had expressed objection to the application for reasons of ‘fung shui’ and adverse traffic impacts and suggested various measures to address the impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.3 of the Paper in that the proposed development was in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone, the proposed plot ratio (PR) complied with the provisions in the Notes for the zone, and relevant Government departments had no adverse comment on the application.

36. Members had the following questions on the application:

- (a) whether the concrete batching plant on the site of similar application No. A/TW/365 as shown on Plan A-2 of the Paper still existed;
- (b) on paragraph 11.1 of the Paper, whether it was appropriate to assume that the Building Authority (BA) would grant the proposed bonus PR of 0.22 under the Building (Planning) Regulation (B(P)R) 22 and conclude that the overall PR of 5.22 complied with the provisions under the Remarks of the Notes for the “R(E)” zone; and
- (c) whether the Committee could approve a development with an overall PR exceeding the sum of the permitted PR under the Notes and the bonus PR

that would be granted by the BA.

37. In response to Members' questions, Ms. Heidi Y.M Chan, DPO/TWK, made the following points:

- (a) construction of the approved development under Application No. A/TW/365 had not yet commenced and the site was still occupied by a concrete batching plant; and
- (b) it was stated under Remark (4) of the Notes for the "R(E)" zone that the permitted PR, which was 5 for the domestic uses in the subject case, could be increased in accordance with the bonus PR permitted under B(P)R 22(1) or (2). The applicant had assumed a bonus PR of 0.22 in connection with the proposed setback of the development. If the bonus PR was granted by the BA, it would also be permitted under the OZP.

38. The Secretary supplemented that excluding the bonus PR of 0.22 assumed to be granted by the BA, the PR of the proposed development was only 5 which was in compliance with the relevant restriction under the Notes for the "R(E)" zone. Bonus PR under B(P)R 22 would be granted by the BA if the proposed setback was considered essential by concerned Government departments and the extent of additional PR sought was acceptable. A development proposal involving an overall PR exceeding the sum of permitted PR under the Notes and the bonus PR permitted under B(P)R 22 could only be considered by the Town Planning Board (the Board) if there was a minor relaxation clause incorporated in the Notes. Such applications would be considered on individual merits and approval would only be granted to those cases with very strong justifications provided.

Deliberation Session

39. The Secretary explained that the power of BA to grant bonus PR under B(P)R 22 was different from his power to grant other exemptions or modification to B(P)R 21 under section 42 of the Buildings Ordinance. The bonus PR under B(P)R 22 was subject to a maximum limit of 5 times of the dedicated area or 20% of the permitted PR, whichever is the

less.

40. In response to a Member's enquiry, the Secretary said that if the Committee approved the application but the BA subsequently refused to grant the bonus PR as proposed, the applicant would need to amend the approved scheme. According to the Town Planning Board Guidelines No. 36, if the amendments to the approved scheme only involved Class A amendments, no further application would be required. Where Class B amendments were involved, the applicant would need to submit a section 16A application and the Director of Planning could consider the application under delegated authority of the Board. For other amendments, a fresh section 16 application would be required.

41. 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 19.5.2010, 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 vehicular access, parking facilities and loading/unloading spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the setting back of the development from Yau Ma Hom Road and Kwok Shui Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the implementation of the mitigation measures identified in the environmental assessments to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the submission and implementation of a landscape proposal, including

permeable podium at Yau Ma Hom Road and landscape garden at Kwok Shui Road, to the satisfaction of the Director of Planning or of the TPB.

42. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that necessary approvals would be given by any Government department. The applicant should approach the relevant Government departments direct for any necessary approvals;
- (b) that the approval of the application did not imply that the bonus gross floor area/plot ratio included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) that the provision of emergency vehicular access should be in full compliance with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue;
- (d) to liaise with the Director of Lands for lease modification and relevant land matters;
- (e) to liaise with the Director of Water Supplies on the assessment of the impacts of potential dam failure of the Jubilee Reservoir on the proposed development; and
- (f) to liaise with the representatives of the Yau Ma Hom Resite Village to address their concerns.

44. Members had no question on the application.

Deliberation Session

45. Referring to paragraph 10.1 of the Paper, a Member asked whether the commenters' concerns had been duly addressed. Ms. Heidi Y.M. Chan, DPO/TWK, replied that there were no adverse comments from relevant departments, including the Transport Department, Fire Services Department and Environmental Protection Department, on the issues raised under paragraphs 10.1 (a) and (c) of the Paper relating to pedestrian traffic and possible nuisances to be caused by the proposed showroom. The concerns raised in paragraph 10.1(b) were mainly building management issues which should be resolved amongst the relevant owners and occupiers, and a relevant advisory clause was suggested in paragraph 11.5(e) accordingly. The concern on possible abuse of planning approval as raised in paragraph 10.1(d) could be addressed by the planning condition suggested in paragraph 11.4(a) that the ancillary showroom should be used to display the applicant's products only. Similar applications for ancillary showroom would be considered on individual merits and approval of the current application would not set an undesirable precedent.

46. A Member said that the proposed showroom which would occupy two storeys seemed to be excessive. There was concern that sales activities would also be carried out in the premises. Ms. Heidi Y.M. Chan responded that according to the submission by the applicant, the proposed showroom was intended for the display of bulky bedding items, such as mattresses, pillows and bed-sheets, which required much space for display. With the suggested planning condition (a), the applicant would be permitted to display only the company's products at the proposed ancillary showroom.

47. In response to the above Member's enquiry, the Chairman said that the display function of a showroom should be distinguished from sales activities. Since planning approval was given on the terms of the application as submitted, sales activities in the showroom would not be permitted and enforcement action by the Lands Department under the lease might be possible. Mr. James Merritt said that Lands Department would carry out investigation on complaints. However, it would be difficult to undertake inspection on a day-to-day basis.

48. The same Member said that a clear signal should be given to the applicant that the planning approval to be granted was for ancillary showroom only. Another Member said that as the proposed showroom would be used for the display of the applicant's products only, it would unlikely be used as a premises for sales, which would normally involve products of different brands. To address Members' concerns, the Secretary suggested that a revocation clause could also be added in respect of planning condition (a) so that if the premises was found to be used for the display of goods other than the applicant's products, the approval would be revoked without further notice. The Committee agreed to the suggestion.

49. Referring to Plans A-1 and A-2 of the Paper, a Member noted that the subject industrial building was located on a small strip of land sandwiched between a road and a "Comprehensive Development Area" ("CDA") zone. This Member asked why the subject strip of land was retained under the "Industrial" zoning. Ms. Heidi Y.M. Chan explained that the subject land formed part of the "Industrial" ("I") zone bounded by Yeung Uk Road and Texaco Road. Developments within the "I" zone were under active industrial uses and were held under multiple ownership. The three "CDA" sites adjacent to the "I" zone were originally zoned "I". They were rezoned to "CDA" in 1997 upon the requests by the then owners of the sites. The rezoning requests were agreed by the Committee mainly on the consideration that the sites were under single ownership, and the proposed rezoning would alleviate the interface problem between the industrial uses to the south and the residential and commercial developments across Ma Tau Pai Road and Yeung Uk Road.

50. 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 19.5.2008, 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 ancillary showroom should be used to display the applicant's products only;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB before operation of the use;

- (c) if the above planning condition (a) was not complied with at any time, the approval hereby given should cease to have effect and would be revoked immediately without further notice; and
- (d) if the above planning condition (b) was not complied with before the operation of the use, the approval hereby given should cease to have effect and would on the same date be revoked without further notice.

51. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that necessary approvals would be given by any Government department. The applicant should approach the relevant Government departments direct for any necessary approvals;
- (b) to liaise with the Director of Lands regarding the lease matters and apply to him for a waiver;
- (c) that the approval of the application did not imply that the Director of Buildings or Building Authority would accept unauthorized structures on site, if any;
- (d) to liaise with the Director of Buildings regarding the compliance with the Buildings Ordinance and the submission of building plans for non-exempted building works for approval; and
- (e) to liaise with the owners and occupiers of the building regarding their concerns on the building management issues related to the proposed ancillary showroom.

Deliberation Session

54. A Member supported the application but was of the view that climber-plants in addition to the trees proposed by the applicant should be considered to enhance the visual quality of the proposed sewage pumping station. The Chairman said that details of planting could be worked out in the landscaping proposal required under the planning condition recommended in paragraph 11.3(c) of the Paper.

55. 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 19.5.2010, 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 implementation of noise mitigation measures and deodorization equipment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the design and provision of fire fighting facilities to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

56. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing for a permanent allocation to cover the proposed sewage pumping station; and
- (b) to provide an Emergency Vehicular Access in full compliance with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/TWW/84 Proposed Sewage Pumping Station,
Government Land in DD 387,
Tsing Lung Tau, Tsuen Wan West
(MPC Paper No. A/TWW/84)
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Presentation and Question Session

57. The Committee noted that the applicant requested on 3.5.2006 for a deferment of the consideration of the application to allow time to address the environmental issues.

Deliberation Session

58. 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.