

TOWN PLANNING BOARD

**Minutes of 331st Meeting of the
Metro Planning Committee held at 9:00 a.m. on 4.8.2006**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Erwin A. Hardy

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

Assistant Director(2), Home Affairs Department
Ms. Linda Law

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

Professor Bernard V.W.F. Lim

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

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

Agenda Item 1

Confirmation of the Draft Minutes of the 330th MPC Meeting held on 21.7.2006

[Open Meeting]

1. The draft minutes of the 330th MPC meeting held on 21.7.2006 were confirmed without amendments.

[Mr. Felix W. Fong arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

[Open Meeting]

Application No. A/K14/475-1

Application for Amendments to Approved Development Proposal –
Proposed Amendments to an Approved Commercial/Office Scheme
in “Other Specified Uses” annotated “Business” zone,
223-231 (Odd Numbers) Wai Yip Street and 39 King Yip Street,
Kwun Tong (KTIL 744)

2. Referring to paragraph 37 of the minutes of the last meeting, Mr. James Merritt said that, in some private developments, public facilities such as landscaped area were built and provided by the developers for handing over to the Government. However, there were cases that the concerned Government departments might refuse to take over the management and maintenance of these facilities due to resource implications. Such responsibilities would then fall on and become a burden to the future occupants/owners of these private developments. Numerous complaints had already been received from occupants/owners of these private developments and Legislative Council members. As a general rule, the Lands Department was of the view that, even a planning condition was imposed, the requirement for provision of the public facilities within private lots would not be included in the lease conditions unless the concerned Government department would take over the management and maintenance of these facilities. The Chairperson remarked that the issue of management and maintenance responsibilities of public facilities in private

developments was being considered by Housing, Planning and Lands Bureau and concerned Government departments. The matters would be kept in view.

Tsuen Wan and West Kowloon District

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

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K1/2

Application for Amendment to the
Draft Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/21
and Approved Hung Hom OZP No. S/K9/18
from “Other Specified Uses” (“OU”) annotated “Kowloon Canton
Railway Terminus, Bus Terminus, Multi-storey Car Park,
Indoor Stadium, Commercial Facilities and KCRC Pier” and
“OU” annotated “Commercial Development and Freight Yard”
to “OU” annotated “Waterfront Related Commercial and Leisure Uses”
subject to a Maximum Plot Ratio of 1.5, a Maximum Building Height
of 4 Storeys and a Maximum Site Coverage of 40%,
Kowloon Permanent Pier No. 91, Kowloon Inland Lot 11077(Part)
and Adjoining Land Vested in KCRC,
KCRC Freight Pier,
Hung Hom
(MPC Paper No. Y/K1/2)

Presentation and Question Sessions

3. Ms. Heidi Y.M. Chan, DPO/TWK, stated that, on 2.8.2006, the applicant

submitted a letter requesting the Committee to defer consideration of the application in order to submit further information to support the application. The Secretary remarked that it was the Town Planning Board's usual practice to accede to the applicant's first-time request for deferment with reasonable grounds. The usual maximum period for deferment was two months. The Committee noted that the application was related to land vested to the Kowloon-Canton Railway Corporation (KCRC). The Vice-chairman, Dr. Greg C.Y. Wong, who was a member of KCRC's Capital Projects Committee declared interest in this item. Since this was a deferral case, and discussion of and determination on this item was not necessary, Dr. Wong could stay at the meeting.

Deliberation Session

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K5/617 Temporary Shop and Services (Showroom for Garments)
for a Period of 3 Years
in "Other Specified Uses" annotated "Business" zone,
Workshops B3 and B4, G/F, Block B,
Hong Kong Industrial Centre,
489-491 Castle Peak Road,
Cheung Sha Wan

(MPC Paper No. A/K5/617)

Presentation and Question Sessions

5. Mr. P.C. Mok, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary shop and services (showroom for garments) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

6. Members had no question on the application.

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

Deliberation Session

7. Some Members raised the following questions:

- (a) whether the showroom under application should be related/ancillary to the companies in the subject industrial building;
- (b) whether there was any retail activities conducted in the premises; and
- (c) noting that the usable floor area of the subject premises was 480m², whether the maximum permissible commercial floor area limit of 460m² on

ground floor of the subject industrial had been exceeded.

8. Ms. Heidi Y.M. Chan, DPO/TWK, responded:

- (a) according to the Notes of the Outline Zoning Plan, ancillary showroom use (on any floor) not exceeding 20% of the total usable floor area of an industrial firm in the same premises or building would be permitted without application. For other showroom (on ground floor only), planning permission from the Town Planning Board was required. It was not necessary for the showroom under application be related/ancillary to the industrial firm in the subject building;
- (b) according to the applicant, the showroom was used for display and exhibition of garments and was not intended for direct purchases by customers. The premises was the subject of a previous application (No. A/K5/513) for showroom approved by the Committee in 2002 and the approval expired on 8.11.2005; and
- (c) according to the Fire Services Department (FSD), the subject industrial building with sprinkler system should be subject to a maximum permissible commercial floor area of 460m² on ground floor. The above limit did not apply to uses, such as showroom, which were in support of the industrial activities or the routine activities of those workers in the industrial building. As such, FSD had no objection to the application and advised that the showroom under application could be excluded from the calculation of the maximum permissible commercial floor area on ground floor of the subject industrial building.

9. Referring to Plan A-3 of the Paper, a Member opined that the business operating in the subject premises appeared to be retail in nature, instead of showroom as submitted by the applicant. It was possible that the premises were applied for showroom but actually operated for retail in order to get round FSD's floor area limit on commercial uses in industrial building. Referring to Plan A-2a of the Paper, Ms. Heidi Chan said that the ground floor of the subject building was mainly occupied by showrooms covered by planning

approvals and the upper floors were mainly occupied by garment manufacturing/trading firms. Moreover, during a recent site visit, she observed that the premises was primarily used for display and exhibition of garments not for direct purchases by customers.

10. The Chairperson remarked that the FSD's requirements were to ensure the fire safety of visitors, who were not familiar with the industrial building, to the commercial establishment. The subject showroom use, involving the exhibition and display of garments, was considered in support of the industrial activities and would unlikely attract a large number of visiting members of the general public. This could be the rationale behind FSD's exclusion of showroom from the calculation of commercial floor area limit. The Vice-chairman shared the Chairperson's views and added that the displays or exhibits in a showroom were not intended for direct purchase of small amounts by retail customers. However, the subsequent enforcement problem might be cause for concern. In response to a Member's enquiry, Ms. Heidi Chan said that subsequent enforcement action could be taken by the Lands Department under the lease should the premises found not to be used for the approved use.

11. A Member said that, in general, an application was considered by the Committee based on the terms as submitted. As only showroom was applied for in the current application, it might not be appropriate for the Committee to reject the application simply based on suspicion that the applicant might use the site for other purposes. Since there was subsequent enforcement mechanism, the assessment of the application should be focused on the planning considerations. Another Member was of the view that showroom played an important role in marketing the finished products and there was a demand for showroom floor space especially in Sham Shui Po area, sympathetic consideration could be given to approving the application.

12. Whilst acknowledging the FSD's assessment and having no objection to the application, a Member stated that Members' concerns on abuse should be forwarded to FSD for consideration.

13. Given that the subject premises had previously been approved for showroom use and there were similar approved applications for shop and services uses on ground floor of the subject industrial building, the Chairperson remarked that the current application could be

considered for approval to ensure consistency in the consideration similar cases in the area. The Chairperson also requested the Secretariat to convey Members' concerns to FSD for consideration.

14. The Secretary recalled that a number of meetings had previously been held amongst PlanD, FSD and District Office to discuss the possible fire risk arising from showrooms occupying the entire ground floor of the subject industrial building and FSD had no objection to allowing showrooms located on ground floor of industrial buildings from fire safety point of view. PlanD and FSD were currently undertaken a review on the implementation of planning condition on fire services installations related to shop and services uses in industrial buildings. In view of Members' concern, the issues would be raised for FSD's further consideration.

15. A Member reiterated that it was important to ensure that approvals for showroom use would not result in the provision of shop and services on the ground floor of industrial buildings exceeding the floor area criterion agreed by the Board.

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.8.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission and implementation of fire services installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.2.2007; 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.

17. The Committee agreed to advise the applicant to consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of building plans in respect of separation of the existing showroom use from the industrial portion of the subject building by proper fire resistance construction and design and provision of means of escape, provision of

sanitary fitments, and provision of access and facilities for persons with a disability.

18. The Committee also agreed that the Secretariat should convey Members' concerns to FSD, i.e. people might make use of the fact that showrooms were excluded from the calculation of commercial floor area limit within industrial building and apply for showroom instead of shop and services to get round the fire safety requirement.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K16/28 Office
in "Government, Institution or Community" zone,
5/F,
4 Yuet Lun Street,
Lai Chi Kok (NKIL 5934)
(MPC Paper No. A/K16/28)
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Presentation and Question Sessions

19. The Committee noted that, on 2.8.2006, the applicant submitted a letter requesting the Committee to defer consideration of the application in order to submit further information to support the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/KC/323 Shop and Services
 in “Industrial” zone,
 Unit B(Portion), G/F,
 Prosperity Centre,
 77-81 Container Port Road,
 Kwai Chung
 (MPC Paper No. A/KC/323)
-

Presentation and Question Sessions

21. Mr. P.C. Mok, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;
 and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

22. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire services installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.2.2007; 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.

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

- (a) the granting of the planning approval should not be construed as an acceptance of any unauthorised structures at the application premises under the Buildings Ordinance;
- (b) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing for a temporary waiver to permit the applied use; and
- (c) to consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans in respect of separation of the shop and services use from the industrial portion of the subject building by proper fire resistance construction, provision of means of escape and non-exempted building works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TWW/86 Proposed Increase of Plot Ratio to 0.8
for Permitted House Development
in “Residential (Group C)2” zone,
Lots 414RP and 415 in DD 399,
Ting Kau,
Tsuen Wan West
(MPC Paper No. A/TWW/86)
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Presentation and Question Sessions

25. The Committee noted that, on 27.7.2006, the applicant submitted a letter requesting the Committee to defer consideration of the application in order to submit further information to support the application.

Deliberation Session

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

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK, and Mr. P.C. Mok, STP/TWK, for their attendance to answer Members' enquiries. Ms. Chan and Mr. Mok left the meeting at this point.]

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 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/126 Utility Installation for Private Project
 – Proposed Seawater Pump House and
 Ancillary Electrical Facilities (Transformer and Switch rooms)
 in “Open Space” zone,
 Government Land at Hoi Yu Street,
 Quarry Bay

 (MPC Paper No. A/H21/126)

Presentation and Question Sessions

27. 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) utility installation for private project – proposed seawater pump house and ancillary electrical facilities including transformer and switch rooms. A physical model was displayed at the meeting;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments were received. One supported the application while the other objected to the application on the reason that a continuous waterfront promenade should be provided from the Central to the Eastern District; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 10.1 to 10.3 of the Paper. Regarding the public comment on the provision of waterfront promenade, it was considered that the proposed development would still allow a waterfront promenade to be provided for public enjoyment. Moreover, the whole application site would be landscaped for public access and

enjoyment, and managed and maintained by the applicant.

28. Mr. Alice Mak highlighted that part of the application site was the subject of a previous rejected planning application (No. A/H21/124) for the same use. Three options were proposed by the applicant under the review application. In May 2006, the Board decided to refuse the review application because both Options 1 and 2 were considered unacceptable. As regards Option 3, though considered a better alternative, was a material change to the original application and could not be considered by the Board under the section 17 review. The current application was the same as Option 3.

29. Noting that the site occupied a waterfront location, some Members raised the following questions:

- (a) what was the purpose of the proposed pumping station and electrical facilities;
- (b) whether it was feasible to confine all the facilities within the western part of the site (i.e. the site currently occupied by the applicant's existing pumping station);
- (c) whether the proposed development would affect the site to be developed as part of the continuous waterfront promenade leading to the Eastern District; and
- (d) as shown on Drawing A-7 of the Paper, whether the emissions from the air exhaust shaft would pose any environmental impact, in terms of air pollutants, on the users of the waterfront promenade taken into account the electrical generator might be running on diesel.

30. Ms. Christine K.C. Tse, DPO/HK, responded :

- (a) the applicant's existing pump house would be demolished and a larger pumping station would be constructed to provide an energy-efficient air conditioning system for all the existing and proposed office developments

at Taikoo Place. The assessment on the requirement and capacity of the proposed pumping station was considered acceptable by the Electrical and Mechanical Services Department. The ancillary electrical facilities, including transformer and switch rooms, would provide electricity supply for the operation of the pumping station;

- (b) should all the facilities be confined to the western part of the application site, it would result with more massive above-ground structures. Such design was the same as Option 2 submitted by the applicant under the review application (No. A/H21/124). After consideration of the three options, the Board decided that Option 2 could not be supported for the reason that the proposed development would adversely affect the visual quality of the waterfront when viewed from both the harbour and Hoi Yu Street and there was a better alternative which would result in less visual impact;
- (c) the western part of the site would be formed at the same level as Hoi Yu Street while the eastern part of the site would be formed to 1m above street level. The two parts of the site was connected by a few steps and would be landscaped and accessible for public enjoyment. In this regard, the proposed development would not affect the continuity of the site as part of the waterfront promenade in the long-term; and
- (d) the Director of Environmental Protection (DEP) had no objection to the proposed development and advised that the proposed development should comply with relevant environmental legislations.

31. Mr. Elvis Au elaborated that the proposed development would unlikely cause major pollution, in terms of density and impact of air pollutants, arising from the emission of the air exhaust shaft. Appropriate mitigation measures should be adopted by the applicant to further improve the possible environmental impact on the surrounding area.

32. Referring to Appendix 3 of Appendix Ia of the Paper, a Member stated that, according to the applicant, the ancillary electrical facilities was a standby generator using fuel

and would provide 25% of electricity back-up for emergency supply should there be electricity breakdown or transformer failure and for power supply during maintenance of the pumping station. As such, this Member opined that the air pollutant arising from the emission of the air exhaust shaft during the emergency operation of the standby generator and maintenance would unlikely to be significant.

Deliberation Session

33. The Chairperson remarked that the applicant had previously submitted three options for consideration of the Board under the review application (No. A/H21/124). At that time, Option 3, i.e. the design of the current application, was considered by the Board as the best alternative.

34. A Member pointed out that the design of the proposed development, which included an underground pump house and the associated landscape features, was an improvement to the waterfront when compared with the applicant's existing pumping station. Those above-ground structures could be screened off by appropriate landscape design to minimise visual impacts on the waterfront. The application could be considered for approval.

35. Considering that the site occupied a waterfront location, another Member said that the site was intended to be developed as part of the waterfront promenade for public enjoyment. It was important to ensure that the proposed pumping station should be carefully designed and integrated with the waterfront promenade. The applicant should explore other alternatives to reduce the height of those above-structures and to further improve the design of the pumping station.

36. In response to the Chairperson's enquiry, Ms. Christine Tse stated that the proposed development would have no significant adverse visual impact on the waterfront along Hoi Yu Street. The protruding features could be shielded behind the Water Supplies Department pumping station and integrated into the landscape design of the open space. The Architectural Services Department considered that the proposed development would improve the visual quality of the existing area.

37. Whilst acknowledging that the design of the pumping station was much better than some other existing similar facilities on the waterfront, a Member said that it would be prudent for the Committee not to approve the application based on engineering ground only. Given the advancement of technology, the applicant should be requested to address the possible air pollution arising from the emissions of air exhaust shaft, say by adopting environmental friendly design, fuel or installation.

38. Another Member pointed out that the applicant had made an effort to provide a better design of the proposed pumping station and to improve the visual quality of the existing area. The application was supported. As regards the environmental concern, this Member suggested that an approval condition could be imposed, requiring the applicant to adopt environmental friendly mitigation measures in order to minimise the air pollution arising from the operation of the standby generator.

39. The Chairperson remarked that the proposed development would provide opportunity for a continuous waterfront promenade and was in line with the planning intention of the "Open Space" zone. In view of Members' concerns on the possible environmental impacts on the waterfront area, an approval condition would be imposed requiring the applicant to adopt environmental friendly mitigation measures, including use of environmental friendly fuel so as to minimise the air pollution arising from the operation of the standby generator to the satisfaction of DEP. Members agreed.

40. 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 4.8.2010, 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 environmental friendly mitigation measures to minimise the air pollution arising from the operation of the standby generator to the satisfaction of the Director of Environmental Protection Department or of the Town Planning Board;
- (b) the submission and implementation of a landscape proposal to the

satisfaction of the Director of Planning or of the Town Planning Board;

- (c) the submission of assessment on fire/explosion risk of the proposed pump house (with the generator set and the adjacent Quarry Bay Salt Water Pumping Station (QBSWPS) assessed as a whole), and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (d) the submission of a diversion proposal for the affected Water Supplies Department's existing water mains to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (e) 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.

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

- (a) to consult the Chief Engineer/Development, Water Supplies Department (CE/D, WSD) on the design of the proposed pump house with a minimum distance of 100m between the seawater intake point of the QBSWPS and the seawater discharge point of the proposed pump house, as well as the need to maintain an unimpeded vehicular access to the QBSWPS;
- (b) to consult CE/D, WSD on the design and construction of the proposed pump house to ensure that the structural integrity of the adjacent QBSWPS would not be adversely affected;
- (c) the applicant would be responsible for the design, management and maintenance of the public open space;
- (d) to note the comment of the Chief Town Planner/Sub-Regional, Planning Department that the area of raised planters should be reduced to provide more passageway for easy access to the waterfront;

- (e) to consult the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE) on the design of the pump house to demonstrate that the future use of the remaining pump pits would not be affected; and
- (f) to apply to DLO/HKE for the short term tenancy to permit the applied use.

[The Chairperson 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 Ms. Mak left the meeting at this point.]

Agenda Item 6

Any Other Business

42. There being no other business, the meeting was closed at 10:35 a.m..