

TOWN PLANNING BOARD

Minutes of 334th Meeting of the Metro Planning Committee held at 9:00 a.m. on 15.9.2006

Present

Director of Planning Mrs. Ava S.Y. Ng	Chairperson
Dr. Greg C.Y. Wong	Vice-chairman
Mr. Nelson W.Y. Chan	
Dr. Daniel B.M. To	
Ms. Sylvia S.F. Yau	
Mr. Walter K.L. Chan	
Mr. Raymond Y.M. Chan	
Ms. Starry W.K. Lee	
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

Professor Bernard V.W.F. Lim

Mr. Stanley Y.F. Wong

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

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
Ms. Paulina L.S. Pun

Agenda Item 1

Confirmation of the Draft Minutes of the 333rd MPC Meeting held on 1.9.2006

[Open Meeting]

1. The draft minutes of the 333rd MPC meeting held on 1.9.2006 were confirmed without amendments.

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

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Outline Zoning Plans

2. The Secretary reported that on 12.9.2006, the Chief Executive in Council approved the draft Ngau Tau Kok & Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/24 (renumbered S/K13/25 upon approval) and the draft Ngong Ping OZP No. S/I-NP/5 (renumbered S/I-NP/6 upon approval) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the OZPs would be notified in the Gazette on 22.9.2006.

(ii) New Town Planning Appeal Received

Proposed Temporary Public Vehicle Park (Private Cars and Lorries)
for a Period of 3 Years in “Green Belt” and “Village Type Development” zones
Lots 246RP, 247, 248, 249, 250BRP(Part), 276BRP, 277BRP(Part),
279BRP(Part), 286, 287(Part), 288, 289, 290, 291, 292, 293 and 294(Part) in
DD 99, Lok Ma Chau Road, San Tin, Yuen Long
(Application No. A/YL-ST/301)

3. The Secretary reported that the Town Planning Appeal Board (TPAB) on 29.8.2006 received an appeal against the decision of the Board on 11.8.2006 to reject on review an application (No. A/YL-ST/301) for a proposed temporary public vehicle park (private cars and lorries) for a period of 3 years at a site zoned “Green Belt” (“GB”) and “Village Type Development” on the draft San Tin OZP No. S/YL-ST/7 on the grounds that the development was not in line with the planning intention of the “GB” zone and there was

insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic and landscape impacts on the surrounding areas. The hearing date was yet to be fixed. The Secretariat would represent the Board to deal with the appeal in the usual manner.

(iii) Appeal Statistics

4. The Secretary said that as at 15.9.2006, 31 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	17
Dismissed	:	85
Abandoned/Withdrawn/Invalid	:	117
Yet to be Heard	:	31
Decision Outstanding	:	1
Total	:	251

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 3

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/K5/620 Shop and Services in “Other Specified Uses” annotated
“Business” zone, Workshop 1, G/F, Premier Centre,
20 Cheung Shun Street, Cheung Sha Wan
(MPC Paper No. A/K5/620)

Presentation and Question Session

5. 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 applied shop and services use;
- (c) departmental comments – no objection from concerned Government departments, including the Fire Services Department, was received;
- (d) no public comment was received during the statutory 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 the reasons detailed in paragraph 11.1 of the Paper.

6. Members had no question on the application.

Deliberation Session

7. The Chairperson remarked that the application complied with the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” zone.

8. 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 six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.3.2007; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same

date be revoked without further notice.

9. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver to permit the applied use.

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/K5/621 Temporary Shop and Services (Ancillary Showroom for Garments, Shoes and Accessories) for a Period of 3 Years in “Other Specified Uses” annotated “Business” zone,
Workshops B5, B6, B7(Portion), B8, B9, B10, B12 and B13, 1/F, Block B, Hong Kong Industrial Centre, 489-491 Castle Peak Road, Cheung Sha Wan
- (MPC Paper No. A/K5/621)
-

Presentation and Question Session

10. The Committee noted that the applicant requested on 6.9.2006 for a deferment of the consideration of the application to allow time to prepare additional information to clarify the nature of the applied uses.

Deliberation Session

11. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of addition information from the applicant. The Committee 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 Session Only)]

- (iii) A/TW/382 Proposed ‘Office’ and ‘Shop and Services’ in “Industrial” zone,
72-76 Texaco Road, Tsuen Wan (Lot 462 in DD 443)
(MPC Paper No. A/TW/382)
-

Presentation and Question Session

12. 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;

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

- (b) the proposed conversion of the existing industrial building to office and shop and services uses;
- (c) departmental comments – highlighting that the Director-General of Trade and Industry (DG of TI) objected to the application which was not in line with the Town Planning Board (the Board)’s earlier decision under the “Updated Area Assessments of Industrial Land in the Territory” (“Updated Area Assessment”) to retain this area as “Industrial” (“I”) zone. Other concerned Government departments had no objection to the application;
- (d) one public comment was received during the statutory publication period indicating no adverse comment on the application provided that he would receive similar favourable treatment when applying for change of use in a nearby building; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 12.1 of the Paper. The application site was within a well-established industrial area in Tsuen Wan East. According to the “Updated Area Assessment”, about 84.5% of industrial premises in this area were occupied by active industrial

operations. The occupancy rate of the subject industrial building was about 98.7%. Based on the “Updated Area Assessment” agreed by the Board on 20.1.2006, the “I” zone in Tsuen Wan East (including the application site), among others, should be reserved for industrial purposes in view of the active and established industrial uses and the shortage of industrial land in the long run. The proposal was not in line with the planning intention of the “I” zone. There was insufficient information to demonstrate that there was a shortfall in the provision of office development in the area. Approval of the application would set an undesirable precedent.

[Mr. Elvis W.K. Au arrived to join the meeting at this point.]

13. A Member raised the following questions concerning :

- (a) the current occupancy rate and future plan for the Tai Wo Hau Factory Estate to the immediate west of the application site; and
- (b) the existing use of the Link Dyeing Works Ltd. adjoining the application site.

14. In response, Ms. Heidi Y.M. Chan, DPO/TWK, and Miss Erica S.M. Wong made the following points :

- (a) the Tai Wo Hau Factory Estate of the Hong Kong Housing Authority (HKHA) was a development of more than 40 years old. Since mid-2001, the HKHA had frozen the sub-letting of the factory estate. The current vacancy rate was therefore at about 50%. According to the HKHA, all tenancy agreements would end in October 2006;
- (b) based on the latest site survey, dyeing operation was still being conducted at the site of the Link Dyeing Works Ltd. as discharge of smoke and polluted water had been observed. According to the “Updated Area Assessment”, there was interface problem in this area. It was

recommended that the “I” zoning for the area be maintained;

- (c) the “Updated Area Assessment” had taken into account the status of the Tai Wo Hau Factory Estate and identified it as a land resource with redevelopment potential subject to resolving the environmental problems. The future land use for the factory estate site would be reviewed after the HKHA released the site.

Deliberation Session

15. In response to the Chairperson’s enquiry, Ms. Heidi Y.M. Chan said that the “Updated Area Assessment” was a study on all industrial land in the territory. It was recommended in the study that the “I” zoning of the Tsuen Wan East industrial area should be maintained. Nevertheless, a study on the appropriate land uses of the Tai Wo Hau Factory Estate site would be conducted when the factory estate site was returned to the Government.

16. A Member said that given the active industrial activities in the area, the current application to convert the existing industrial building into commercial uses should be considered in accordance with the recommendations of the “Updated Area Assessment” agreed by the Board. Nevertheless, it was likely that the Tai Wo Hau Factory Estate site would be redeveloped after it was vacated in October 2006. Moreover, the area opposite the application site on Sha Tsui Road were zoned “Other Specified Uses” annotated “Business”, “Residential (Group A)” and “Residential (Group E)”. Transformation of this area was expected and a comprehensive review of the future land use of this industrial area would need to be conducted in due course. The Committee agreed that the future land use of the area should be kept in view, but the application site should be retained for industrial use at this stage.

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

- (a) the application site was located in the well-established industrial area in Tsuen Wan East where industrial activities were active. The proposed

office, and shop and services development was not in line with the Town Planning Board's agreement to retain the "Industrial" ("I") sites in the area as recommended under the Report on the Updated Area Assessments of Industrial Land in the Territory, and the planning intention for the "I" zone on the draft Tsuen Wan Outline Zoning Plan No. S/TW/22 which was to ensure an adequate supply of industrial floor space to meet demand from industrial and related activities;

- (b) there was insufficient information to demonstrate that there was a shortfall in the provision of office and shop and services floor space to serve the industrial activities in the area;
- (c) there was insufficient information to demonstrate that the proposed provision of parking and loading/unloading facilities within the application site was adequate for the proposed uses; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the "I" zone. The cumulative effect would result in loss of industrial floor space in the area.

[The Chairperson 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.]

Kowloon District

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/K7/76 School (Tutorial School) in “Residential (Group B)” zone,
Shop B, G/F, 168 Boundary Street, Ho Man Tin (KIL 3276)
(MPC Paper No. A/K7/76)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the applied school (tutorial school) use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period, one of which considered that there was no reason to oppose the application. Another, attaching 16 standard letters from the local residents, objected to the application on the ground of violation of the Deed of Mutual Covenant (DMC) of the building; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper as the applied use was considered not incompatible with the subject building and surrounding areas. It was small in scale and no significant adverse impacts on traffic and the surrounding environment were anticipated. Regarding the comments from the local residents, there were already other non-domestic uses on the ground floor of the subject building. No adverse comment was received from relevant Government departments

consulted.

19. Members had the following questions :

- (a) while the Education and Manpower Bureau (EMB) had provided comments from the school registration point of view, it was not known whether the EMB supported or objected to the application in terms of school policy; and
- (b) to what extent was the local concern on violation of the DMC a factor for consideration of the application.

20. In response, Mr. Raymond K.W. Lee, DPO/K, made the following main points :

- (a) there had been many similar applications processed and comments from the EMB were similar in that they had no objection from the school registration point of view provided that the school complied with the Education Ordinance/Regulations and satisfied the requirements of relevant Government departments. Based on past experience, the EMB would approve applications for school licences as long as Government requirements, e.g. those relating to fire safety, had been satisfied;

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

- (b) no information was available regarding EMB's position on such applications from the school policy point of view; and
- (c) the DMC was a mutually binding legal document amongst owners. Referring to the standard objection letter from the local residents at Appendix III(b) of the Paper, the grounds of objection was that the applied use violated the DMC as it would disturb tranquillity, alter the external wall and utility facilities and affect the insurance fee of other flats.

Deliberation Session

21. The Chairperson said that for the comments from the local residents, the Committee should consider the grounds of objection to see whether they were actually relevant planning considerations and valid planning concerns. The DMC was relevant only to the extent that planning issues were involved. The application had been assessed by relevant Government departments and they had no objection to it.

22. Members raised comments which were summarized as follows :

- (a) to obtain planning permission was one of the many steps required before the applied use could be implemented. The Committee should focus on planning considerations, and other considerations, including violation of the DMC was outside the purview of the Committee and should be resolved separately by concerned parties;
- (b) commercial tutorial schools were very common in the area. They were often found on the ground floor of buildings with direct street access. In land use planning terms, they were not incompatible with other uses in the area. In this particular case, the subject building fronted on Boundary Street which was a busy road. Any possible noise created by the tutorial school should not be significant. Similar approvals for tutorial school use in the area had been granted. Other non-domestic uses, including vehicle show room, elderly care home and sale office, were also common in this area; and
- (c) it was expected that the Government would support all sorts of educational work which aimed to improve the education level of the community. The current application could be supported if all technical requirements could be met.

23. A Member suggested that in order to facilitate the Committee to consider other similar applications in the future, the EMB should be requested to state clearly whether such applications were supported from the policy point of view. In response, the Secretary said

that all applications would be circulated to relevant Government bureaux or departments with a standard form for comments and indication of support or otherwise to the applications would be requested. For the current application, the applied use was a commercial operation and EMB might not have a specific policy on it. Mr. Raymond K.W. Lee supplemented that the EMB had no objection to the current application from the school registration point of view.

24. 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 provision of water supplies for fire fighting and fire service installations within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.3.2007; 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.

25. The Committee also agreed to advise the applicant to :

- (a) consult the Registration Section, Education and Manpower Bureau on school registration process under the Education Ordinance/Regulations;
- (b) appoint an Authorized Person to submit building plans for approval to demonstrate compliance with Buildings Ordinance, in particular, the provision of access and facilities for persons with a disability under Building (Planning) Regulation 72;
- (c) provide acoustic insulation in form of well gasketed windows as per Appendix 4.4 in Chapter 9 of the Hong Kong Planning Standards and Guidelines and air-conditioning to abate the excessive road traffic noise disturbance to the tutorial school; and

- (d) resolve any land issues relating to the development with the concerned owners of the subject building.

[Ms. Starry W.K. Lee left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (ii) A/K14/509 Proposed Shop and Services (Fast Food Shop)
in “Other Specified Uses” annotated “Business” zone,
Unit G1, G/F, Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(MPC Paper No A/K14/509)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed shop and services (fast food shop) use;
- (c) departmental comments – no objection from concerned Government departments, including the Fire Services Department, was received;
- (d) one public comment supporting the application was received during the statutory publication period. The District Officer (DO)(Kwun Tong) stated that the public was concerned about the traffic issues in the Kwun Tong Industrial Area. Some local leaders had requested the Government to facilitate the transformation of industrial buildings into commercial/business/shops uses in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper. With

regard to the traffic concerns raised by the DO(Kwun Tong), the Transport Department had no objection to the application from traffic point of view.

27. Members had no question on the application.

Deliberation Session

28. 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 15.9.2008, 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 service installations in the subject premises to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

29. 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 proposed shop and services (fast food shop) use under application including the size of the application premises;
- (b) to appoint an Authorised Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the adequacy of means of escape, fire resistance construction in accordance with Code of Practice for Fire Resisting Construction 1996 and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72;

- (c) that any operation of food business under Food Business Regulation, Cap. 132 would require application to Food and Environmental Hygiene Department for a relevant licence/permit; and
- (d) to strictly observe regulatory restrictions and instant traffic situation in case when loading/unloading activities were taking place to avoid interfering the main stream traffic.

[Ms. Starry W.K. Lee returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session Only)]

- (iii) A/K15/76 Proposed Commercial/Residential Development in “Residential (Group E)” zone, Yau Tong Inland Lot 23, 13 Sze Shan Street, Yau Tong
(MPC Paper No. A/K15/76)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed commercial/residential development,
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) five public comments were received during the statutory publication period. One comment indicated support to the application. Another one, while agreeing to the proposed use, raised objection to the proposed building height. The other public comments raised concerns on the potential environmental and visual impacts and industrial-residential interface problem of the proposal. Some of the comments also suggested that the

height of buildings along the waterfront should be confined to less than 100m in order to protect the ridgeline. The District Officer (Kwun Tong) commented that the locals were concerned about the overall building height, and the impacts of the increase in population and traffic brought by the development; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper in that the proposed commercial/residential development was in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone and the proposed development intensity was considered acceptable. It would not cause any adverse traffic and infrastructural impacts. The proposed building height at about 149mPD was comparable to other approved developments in the vicinity. Regarding the local concerns on potential environmental and interface problems, the Environmental Protection Department had no objection to the application.

31. Members had no question on the application.

Deliberation Session

32. The Chairperson remarked that the application complied with the planning intention of the “R(E)” zone.

33. In response to a Member's enquiry on the long-term planning of building height control along the waterfront, Mr. Raymond K.W. Lee, DPO/K, said that the PlanD would review all relevant Outline Zoning Plans (OZPs) for inclusion of appropriate development restrictions including building height control. In the Kowloon area, comprehensive building height control had already been incorporated into OZPs for the Kwun Tong, Kowloon Tong and Ngau Tau Kok & Kowloon Bay areas. Studies on the appropriate building height restrictions for other areas would be submitted to the Committee for consideration in due course.

34. 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 15.9.2010, 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 the setting back proposal for footpath widening purpose to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

35. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that the gross floor area exemption and/or bonus 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;
- (b) to observe the constraint and to avoid any relocation of the block closer to the 1 hour SO₂ “affected zone”; and
- (c) to explore various design measures to reduce the height and visual bulkiness of the proposed podium, and soften its solid blank wall facing the road to the northeast of the site.

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

Hong Kong District

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

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

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Session Only)]

Y/H9/1 Request for Amendment to the Approved Shau Kei Wan Outline Zoning Plan
No. S/H9/14 from "Open Space" to "Government, Institution or Community
(Group 1)" for a proposed electricity substation,
a piece of Government Land at Tung Kin Road,
A Kung Ngam, Shau Kei Wan
(MPC Paper No. Y/H9/1)

Presentation and Question Session

36. The application was submitted by the Hongkong Electric Co. Ltd. which was a member of the Cheung Kong Group. Dr. Greg C.Y. Wong, having current business dealings with Cheung Kong (Holdings) Ltd., had declared an interest in this item. The Committee noted that the applicant requested on 12.8.2006 for a deferment of the consideration of the application to allow time to address the concerns of the Works Development Committee of the Eastern District Council. The Committee also noted that Dr. Wong had temporarily left the meeting.

Deliberation Session

37. 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 agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Dr. Greg C.Y. Wong returned to join the meeting at this point.]

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Session Only)]

- (i) A/H5/354 Proposed Educational Institution (Post-secondary Education)
in “Commercial/Residential” zone, 3/F and 4/F, Pico Tower,
66 Gloucester Road, Wan Chai
(MPC Paper No. A/H5/354)
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Presentation and Question Session

38. Ms. Lily Y.M. Yam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed educational institution (post-secondary education);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory 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 the reasons detailed in paragraph 10.1 of the Paper.

39. Members had no question on the application.

Deliberation Session

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 15.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that water supplies for fire fighting and fire services installations be provided to the satisfaction of the Director of Fire Services or of the Town Planning Board.

41. The Committee also agreed to advise the applicant to apply to the Secretary for Education and Manpower for approval under the Education Ordinance regarding the provision of post-secondary courses.

[Open Meeting (Presentation and Question Session Only)]

(ii) A/H10/77 Renewal of Planning Approval for Temporary ‘Flat’ use under Application No. A/H10/63 for a Period of 5 Years from 28.6.2008 to 27.6.2013 in “Government, Institution or Community” zone,
122 Pok Fu Lam Road
(MPC Paper No. A/H10/77)

Presentation and Question Session

42. Ms Lily Y.M. Yam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary ‘flat’ use for a period of 5 years from 28.6.2008 to 27.6.2013;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period, stating that the subject proposal was an efficient way of using Government property; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

43. Members had no question on the application.

Deliberation Session

44. The Chairperson remarked that there had been no material change in the planning circumstances since the previous temporary approval was granted.

45. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years from 28.6.2008 to 27.6.2013, on the terms of the application as submitted to the Town Planning Board and subject to the condition on the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

[Open Meeting (Presentation and Question Session Only)]

(iii) A/H11/93 Proposed Telecommunications Radio Base Stations and Mobile Radiotelephone Antennae,
LG/F and Roof of Fairmont Gardens,
39A-39F Conduit Road, Mid-Levels

46. The application was submitted by the SmarTone Mobile Communications Ltd. which was a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Dr. Greg C.Y. Wong and Mr. Raymond Y.M. Chan, having current business dealings with SHKP, declared interests in this item.

[Dr. Greg C.Y. Wong and Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

Presentation and Question Session

47. Ms. Lily Y.M. Yam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed telecommunications radio base stations and mobile radiotelephone antennae;
- (c) departmental comments – highlighting that the Director of Health (D of Health) did not object to the application and stated that no radioactive materials would be generated from the proposed facilities that would cause adverse health impact. No objection from other concerned Government departments was received;
- (d) six public comments were received during the statutory publication period objecting to the application on grounds of adverse health, visual and fung shui impacts, and interference with the reception of televisions and electronic equipment in the nearby buildings. They suggested that the proposed facilities should be located away from the residential areas; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper in that according to the applicant, the proposed installations were required to

enhance mobile radio-telephone services in the Mid-levels area. The facilities were small in scale and would have no adverse visual impact. Regarding local concerns on adverse health impacts, the D of Health stated that there was no convincing scientific evidence that the operation would have adverse health impact. The applicant was also required to comply with the requirements of the “Code of Practice for Protection of Workers and Members of Public Against Non-Ionizing Radiation Hazards from Radio Transmitting Equipment” issued by Office of the Telecommunications Authority (OFTA). On interference problem, OFTA advised that there would not be interference with the TV services or electronic equipment in the nearby buildings.

48. Members had the following questions :

- (a) under what circumstances would planning permission be required for telecommunications radio base stations and related facilities;
- (b) what was the existing situation of mobile phone signal reception in the area, whether there was real need to improve the signal reception, and whether the current service in the area would be adversely affected without the installations under application; and
- (c) whether the facilities could be shared among various operators.

49. In response, Ms. Christine K.C. Tse, DPO/HK, and Ms. Lily Y.M. Yam made the following main points :

- (a) under the covering Notes of the revised Master Schedule of Notes to Statutory Plans (MSN) endorsed by the Town Planning Board, all such facilities meeting a set of specified measurements and criteria were always permitted except where it was specified in Column 2 of Notes of some individual zones. However, the Mid-levels West Outline Zoning Plan (OZP) had not yet incorporated the revised MSN and the proposed uses required planning permission in the “Residential (Group B)” (“R(B)”).

zone;

- (b) no information was available on the current signal reception situation in the area. According to the applicant, the proposed installations would enhance mobile radio-telephone services to users in the Mid-levels area; and
- (c) the application premises was the subject of a previous application (No. A/H11/57) for telephone transmission station and antennae submitted by another operator. There were also two similar applications (No. A/H11/81 and 83) in “R(B)” zone within the same planning area. All these applications were approved by the Committee.

50. The Secretary supplemented that the demand for installing telecommunications radio base stations had increased dramatically in recent years. Before the review of the MSN, such facilities required planning permission in most land use zones. The Town Planning Board (the Board) had considered and approved quite a number of similar applications. Consideration was based on the advice from the D of Health and OFTA that these installations would not cause adverse health impact and the Board’s major concern was related to visual impact. In 2003, the MSN was comprehensively reviewed. According to the Definitions of Terms for the revised MSN, any installations fitting the criteria of any structure including an equipment cabinet not bigger than certain specifications were defined as telecommunications radio base stations and were always permitted except for areas zoned “Coastal Protection Area”, “Conservation Area” and “Site of Specific Scientific Interest”.

51. The Secretary continued to say that the current Mid-levels West OZP was yet to be amended to incorporate the revised MSN. According to the Notes for the “Residential (Group A)” zone of the subject OZP, mobile communications radio base station, with an equipment cabinet not bigger than the stated specifications were always permitted. However, under “R(B)” zone within which the application site fell, such facilities required planning permission.

[Mr. Elvis W.K. Au left the meeting temporarily at this point.]

52. In response to the Chairperson's enquiry, Ms. Lily Y.M. Yam confirmed that a licence from the OFTA would be required for the proposed installations.

Deliberation Session

53. A Member noted that D of Health confirmed that no radioactive material was generated from telecommunications radio base stations and had no objection to the application, and the OFTA had issued a Code of Practice for operators to follow. Nonetheless, this issue on health hazard was still inconclusive. Hong Kong, with a dense living environment, was of particular concern. Even though D of Health stated that the slight increase in body temperature on exposure to radio frequency (RF) was insignificant, the cumulative impact of the RF was unclear as there would be many such installations in operation by different telecommunications companies within a small area. In view of such uncertainty of the impact on public health and that the proposed facilities were only to enhance existing services rather than absolutely required, there was reservation on the application.

[Mr. Elvis W.K. Au returned to join the meeting at this point.]

54. Another Member shared the view expressed and said that the community was now very concerned about the health issue related to telecommunications radio base stations. It was known that there were cases where these facilities were housed inside residential units without the neighbours' knowledge. While the applicant stated that the proposed facilities would enhance the existing services, no information was provided to reflect that there was such demand from the public. As such, this Member also had reservation on the application due to the local concerns.

55. Referring to paragraph 8.1.2(b) of the Paper, Ms. Christine K.C. Tse said that comments from D of Health was referenced from the latest scientific development in this field. According to Fact Sheet No. 304 of the World Health Organization entitled 'Electromagnetic fields and public health – base stations and wireless technologies' published in May 2006, all evidence collected so far demonstrated that there was no convincing scientific evidence that the base stations and wireless networks would have adverse health impact.

56. A Member said that in some other countries, the telecommunications facilities were more well-planned and there was shared use of facilities. However, in Hong Kong, there was often a large number of small-scale equipment scattering around causing adverse visual impact. The application was not supported as the proposed facilities were not absolutely required in the area.

57. A Member said that it was difficult to define whether a radio base station and related facilities were essential. It depended very much on the strength of the signal reception and the demand for mobile phone services in individual areas. Normally, operators would prefer to set up more stations for stronger signals. On the health issue, this Member said that the strength and radiation of all kinds of waves, including radio waves, was inversely related to distance (i.e. with an increase in distance from the source of waves, the radiation decreased exponentially). Compared with radio base stations, the mobile phones often carried close to the human body would actually be more hazardous to health. This Member went on to say that it was technically feasible for sharing the facilities among various operators. In fact, the Mass Transit Railway had such shared facilities in its stations. It would be more economical in terms of provision of facilities and could reduce the visual impact. Nonetheless, whether to adopt the approach of shared facilities was very much a commercial decision in the telecommunications industry. It might be difficult for the OFTA to promote shared use of facilities.

58. The Chairperson said that the impact of these facilities on public health was not conclusive. Given the comments from the D of Health that there was no convincing scientific evidence that the weak RF signals from the base stations and wireless networks would cause adverse health impact and that a licensing system controlling the compliance of requirements of these facilities by the OFTA was in place, the technical requirements would all be complied with before operation.

59. The Secretary reiterated that before the MSN was revised in 2003, the Board received many applications for telecommunications radio base stations and antennae mainly in residential areas. Since the OFTA and D of Health had confirmed that these facilities had no adverse impact on public health, the Board's consideration rested mainly on the visual impact, particularly in low-density residential neighbourhoods. According to record, all

such applications except one were approved. The one application (No. A/H8/361) mainly involved proposed antennae inside a residential unit in North Point and was rejected by the Committee on the grounds that the proposed installations were not considered compatible with residential use and it would set an undesirable precedent for similar applications within the “R(B)” zone. In view of the large number of such applications and the extremely high approval rate, the Board agreed to revise the MSN to permit these facilities as of right other than in the conservation-related zonings, provided that they would not cause adverse visual impact. Hence, in collaboration with the OFTA, specific measurements for telecommunications radio base stations and antennae were set and incorporated in the Definitions of Terms.

60. The Secretary said that the proposed installations located on the roof and lower ground floor of the subject building were small in scale and the PlanD indicated that there was no adverse visual impact.

61. After some discussion, Members considered that there was no strong ground to reject the application. Nevertheless, the Secretariat was requested to relay Members' concerns, particularly on the cumulative impact of these installations on health, to the OFTA and D of Health. Members also agreed to invite the two departments to brief the Board on Government policy and practice in issuing licences for telecommunications radio base stations and the impact of such installations on health.

62. 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 15.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition on the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

63. The Committee also agreed to advise the applicant :

- (a) to note the comment from Director of Health regarding the requirement for the proposed telecommunications radio base stations to comply with the

“Code of Practice for Protection of Workers and Members of Public Against Non-Ionizing Radiation Hazards from Radio Transmitting Equipment” issued by Office of the Telecommunications Authority (OFTA); and

- (b) that the compliance to the OFTA's Code of Practice should be verified by direct on-site measurement upon commissioning of the radio base stations.

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

Agenda Item 7

Section 16A Application

[Open Meeting (Presentation and Question Session Only)]

A/H3/341-2 Application for Amendment to Permission – Proposed
Residential and Commercial Development with Public Open Space
and Government, Institution or Community Facility (Master Layout Plan
Submission)
in “Comprehensive Development Area” zone,
URA Development Scheme Area at First Street/Second Street,
Sai Ying Pun
(MPC Paper No. A/H3/341-2)

64. The application was submitted by the Urban Renewal Authority (URA) and the following Members had declared interests in this item :

Mrs. Ava S.Y. Ng
as the Director of Planning

- being a non-executive director of the URA;

Ms. Margaret Hsia
as the Assistant Director (2) of the Home
Affairs Department

- being a co-opt member of the Planning, Development and Conservation Committee of the URA;

- | | |
|---|--|
| Mr. James Merritt
as the Assistant Director (Kowloon) of
the Lands Department | - being an assistant to the Director of
Lands who was a non-executive
director of the URA; |
| Dr. Greg C.Y. Wong | - having current business dealings with
the URA; and |
| Professor Bernard V.W.F. Lim | - having current business dealings with
the URA. |

65. The Committee noted that Professor Lim and Ms. Hsia had sent their apologies for being unable to attend the meeting, and Dr. Wong had left the meeting temporarily. The Committee also noted and agreed that since both the Chairperson and Vice-chairman had declared interests in this item, the Chairperson should continue to chair the meeting by necessity.

[Mr. James Merritt and Dr. Daniel B.M. To left the meeting temporarily at this point.]

Presentation and Question Session

66. Ms. Lily Y.M. Yam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Class B amendments to an approved residential and commercial development with a public open space and residential care home for the elderly;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) had no objection to the proposed changes in building form from an environmental point of view; and

(d) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 7.1 of the Paper. Except for the proposed changes in the form of the building blocks, all other proposed amendments were identical to those under the previous application (No. A/H3/341-1) approved by the Committee on 17.3.2006. The changes in the form of the blocks, which were the subject of environmental mitigation measures, arose from refinements to the internal floor layout and were considered minor in nature. The EPD considered the application acceptable. No adverse planning implication would arise from the proposed amendments.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board under sections 4A and 16A(2) of the Town Planning Ordinance. The permission should be valid until 10.10.2007, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account the approval conditions as stated in paragraphs (b) to (g) below and to include the development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the design and provision of the vehicular access point to the development as well as parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the provision of footpaths with a minimum width of 2.75m and a minimum headroom of 5.1m around the site to satisfaction of the Commissioner for

Transport or of the Town Planning Board;

- (d) the design and provision of a Residential Care Home for the Elderly (RCHE) cum Community Support Service Centre to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (e) the location and design of the refuse collection chamber and its exhausts to mitigate its adverse impact on the RCHE to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (f) the design and provision of a public open space to the satisfaction of the Director of Planning or of the Town Planning Board;
- (g) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (h) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

69. 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 practicable;
- (b) that the approval of this application did not imply that approval to the proposed total gross floor area (GFA), GFA exemption and/or bonus plot ratio and site coverage, if any, would be granted by the Building Authority. The applicant should approach the Director of Buildings direct to obtain the necessary approval;

- (c) in relation to condition (f) above, the design and provision of the public open space should have a minimum width at the western tower portion equal to a distance between the indented part of the main podium façade of the western tower (under the previous approved application No. A/H3/341) and the lot boundary on Second Street;
- (d) to consult the Director of Buildings on the claim for bonus plot ratio and site coverage, the extinguishment of existing streets/lanes/right of way and the surrender and/or dedication proposals;
- (e) to consult the Director of Lands regarding lease modification for the proposed run-in and run-out at First Street;
- (f) to consult the Director of Water Supplies regarding the diversion of affected existing watermains on the site; and
- (g) to note the comments of the District Lands Officer/Hong Kong West & South of the Lands Department, the Chief Building Surveyor/Hong Kong West of the Buildings Department, the Assistant Commissioner for Transport/Urban of the Transport Department, the Chief Highway Engineer/Hong Kong, Highways Department, the Director of Fire Services, the Chief Town Planner/Urban Design & Landscape of the Planning Department, the Director of Social Welfare, the Director of Leisure and Cultural Services and the Central and Western District Council as stated in paragraphs 6.1.1, 6.1.2, 6.1.3(b), 6.1.4, 6.1.6(b), 6.1.7, 6.1.9, 6.1.10 and 6.1.12 of the TPB Paper (MPC Paper No. A/H3/341-1) respectively.

[Dr. Greg C.Y. Wong, Dr. Daniel B.M. To and Mr. James Merritt returned to join the meeting at this point.]

Remarks

The Chairman said that the remaining item in the Agenda would not be open for public viewing

since it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.