

**TOWN PLANNING BOARD**

**Minutes of 337th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 3.11.2006**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

Principal Environmental Protection Officer (Metro Assessment),  
Environmental Protection Department  
Mrs. Shirley Lee

Assistant Director (Kowloon), Lands Department  
Mr. James Merrit

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

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  
Miss Rowena M.F. Lee

**Agenda Item 1**

Confirmation of the Draft Minutes of the 336th MPC Meeting held on 20.10.2006

[Open Meeting]

1. The draft minutes of the 336th MPC meeting held on 20.10.2006 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) Approval of Outline Zoning Plans

2. The Secretary reported that, on 31.10.2006, the Chief Executive in Council (CE in C) approved 6 draft OZPs under section 9(1)(a) of the Town Planning Ordinance. The 6 OZPs were Clear Water Bay Peninsula North OZP (renumbered as S/SK-CWBN/3), Ho Chung OZP (renumbered as S/SK-HC/9), Kwu Tung North OZP (renumbered as S/NE-KTN/8), Lam Tsuen OZP (renumbered as S/NE-LT/11), Kam Tin North OZP (renumbered as S/YL-KTN/7) and Ha Tsuen OZP (renumbered as S/YL-HT/8). The approval of the OZPs will be notified in the Gazette on 10.11.2006.

(b) Abandonment of Town Planning Appeals

- (i) Town Planning Appeal No. 14 of 2005 (14/05)  
Proposed House (New Territories Exempted House) (Small House)  
in “Comprehensive Development Area (1)”, “Green Belt” and  
“Village Type Development” zones,  
Lot 208B3 in DD 11, Lau Hang, Fung Yuen, Tai Po  
(Application No. A/TP/341)
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- (ii) Town Planning Appeal No. 15 of 2006 (15/06)  
Temporary Storage of Durable and Consumer Goods  
for a Period of 3 Years in “Comprehensive Development Area” zone,  
Various Lots in DD 104 and Adjoining Government Land,  
Chuk Yau Road, Ngau Tam Mei, Yuen Long  
(Application No. A/YL-NTM/187)
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3. The Secretary reported that two appeals had been abandoned by the appellants of their own accord. Town Planning Appeal No. 14/2005 was received by the Town Planning Appeal Board (TPAB) on 7.4.2005 against the decision of the Town Planning Board (TPB) on 22.4.2005 to reject on review an application (No. A/TP/341) for a New Territories Exempted House (Small House) within the “Comprehensive Development Area (1)”, “Green Belt” and “Village Type Development” zones on the Tai Po Outline Zoning Plan (OZP). It was abandoned by the appellant on 10.10.2006. Town Planning Appeal No. 15/2006 was received by the TPAB on 4.8.2006 against the decision of the TPB on 26.5.2006 to reject on review an application (No. A/YL-NTM/187) for temporary storage of durable and consumer goods for a period of 3 years in “Comprehensive Development Area” zone on the Ngau Tam Mei OZP. It was abandoned by the appellant on 16.10.2006. On 23.10.2006, the TPAB formally confirmed that the appeals were abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(c) Appeal Statistics

4. The Secretary said that as at 3.11.2006, a total of 29 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	87
Abandoned/Withdrawn/Invalid	:	119
Yet to be Heard	:	29
Decision Outstanding	:	2
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Total	:	254

**Tsuen Wan and West Kowloon District**

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

**Agenda Item 3**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/182-1            Extension of Time for Commencement of Approved Development –  
Proposed Residential Development with Retail Shops and a Private Club  
(Amendment to an Approved Scheme)  
in “Commercial (1)” zone,  
11 Middle Road,  
Tsim Sha Tsui  
(Kowloon Inland Lot 9300)  
(MPC Paper No. A/K1/182-1)

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**Presentation and Question Sessions**

5.            Mr. Louis K.H. Kau, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed extension of time for commencement of the approved residential development with retail shops and a private club;
- (c)    departmental comments – the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) had reservation on the proposed development as it would cause adverse visual impact and the site formation works would possibly fell trees near the Signal Hill Tower, a

Grade II historical building to the east of the application site. If the application was approved, the previous condition requiring the applicant to consult the Director of Leisure and Cultural Services (DLCS) on the detailed design of the proposed development with a view to minimizing the visual impact to the Old Signal Tower should continue to be included. In addition, appropriate monitoring measures to safeguard the structure of the historical building should be proposed and implemented by the applicant prior to the commencement of any works. Due to the change in traffic condition in the area, the Assistant Commissioner for Transport/Urban (AC for T/U) requested the applicant to submit a new Traffic Impact Assessment (TIA) report before commencement of the development to confirm that the traffic impact would be acceptable, and remedial measures should be carried out at the applicant's own cost to minimize any adverse traffic impacts. Also, the Director of Fire Services (D of FS) requested that the provision of water supplies for fire fighting and fire service installations should be provided to his satisfaction.

- (d) the District Officer (Yau Tsim Mong) advised that no adverse local comments had been received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 8.1 of the Paper. The current application was for extension of the approval given by the Committee on 8.11.2002 for four years to allow time for the applicant to further negotiate with the seafarers regarding the re-provisioning of club facilities and to facilitate the land exchange process. AMO, LCSD's reservation due to the impacts on the Old Signal Tower had been addressed by the applicant's design in the previous approved scheme by shifting the footprint of the residential tower to the west to minimize the visual impact to avoid site formation and tree felling on the eastern slope. A clause could be included to advise the applicant to consult DLCS on the detailed design of the proposed development. The requirements of the AC for T/U and D of FS were recommended to be included in the approval conditions.

6. Members had the following questions on the application:
- (a) what the criteria for assessing an application for extension of time for commencement of an approved development were, and whether a review on the proposed development would be appropriate due to the lapse of time since the approval;
  - (b) whether the visual impact of the proposed development had been fully assessed before, noting its possible dwarfing effect on the Old Signal Tower;
  - (c) whether the sewerage impact of the proposed development was acceptable, noting the Director of Environmental Protection's (DEP) comment that the development would be unable to connect to public sewers before the upgrading of the Central and East Kowloon Sewerage Project;
  - (d) should the application be approved, whether a condition on the provision of water supplies for fire fighting and fire service installations be imposed, noting that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans by Buildings Department; and
  - (e) the permissible building height for the KCR East Rail Tsim Sha Tsui (TST) Station.

7. Ms. Heidi Y.M. Chan, DPO/TWK, and Mr. Louis K.H. Kau, STP/TWK, had the following responses to Members' questions:

- (a) there was no visual impact assessment submitted by the applicant for the original application. However, a tree survey had been conducted before, and a condition was also imposed on the previous permission requiring the submission and implementation of a tree preservation scheme and a landscaping proposal to mitigate the visual impact of the proposed

development. No submission from the applicant on this aspect had been made to date;

- (b) DEP had no objection to the application and had no adverse comment on the sewerage aspect. His comment regarding the sewerage upgrading works was to remind the applicant to carry out the necessary works if the redevelopment was to be completed before end 2012. An advisory clause had been suggested in this regard;
- (c) the new condition requiring provision of water supplies for fire fighting and fire service installations was based on D of FS' requirements, and it was the usual practice for the Town Planning Board (TPB) to include such condition in recent years; and
- (d) there was at present no height restriction on the East Rail TST Station included in the Outline Zoning Plan, but there would be no property development above the station.

8. On the first question raised by Members, the Secretary explained the following :

- (a) the criteria for assessing applications for extension of time for commencement of development as set out in the TPB Guidelines No. 35A;
- (b) planning permissions were usually granted for a period of 4 years. The Board had delegated authority to the Director of Planning to assess applications for extension of time for commencement of development, which were Class B amendments, made to the Board under s.16A of the Town Planning Ordinance. The current application was submitted to the Committee for consideration as AMO, LCSD had reservation on the visual impact of the development; and
- (c) any extension of time for commencement of development should not result in an aggregate extension period longer than the original duration allowed for commencement of the approved development proposal, which in the

current case was four years. If the Committee approved this application, the applicant could not ask for further extension later but would have to make a fresh application.

### Deliberation Session

9. The Chairperson said the applicant's justification for the proposed extension of time for commencement of development was to allow time to negotiate with the seafarers and seamen's unions regarding the re-provisioning of facilities in the Mariners' Club. Due to the change in traffic condition in the area, AC for T/U requested for a new TIA and implementation of necessary mitigation measures identified therein. D of FS' latest requirement on the fire safety aspect was also suggested to be incorporated in the approval conditions.

10. A Member was concerned that the negotiation between the applicant and the seafarers and seamen's unions had been going on for four years since the original planning permission was granted and little progress had been made. It was doubtful if the current application for extension of time for commencement of development should be granted.

11. Ms. Heidi Y.M. Chan advised that the applicant had been negotiating with the seamen's unions as shown in the letter from the applicant's agent dated 9.3.2005 at the last page of Appendix I to the Paper. However, there were divergent views between the two parties. Members noted that the likelihood of finalising the negotiations, or otherwise, was a matter for the applicant and the concerned parties and should not affect the Board's consideration of the extension time.

12. In reply to the Chairperson's question, the Secretary said that the Committee usually granted extension of time for a period same as the original approval period. However, on a few occasions, the Committee did grant a period shorter than the original approval period or the period applied for.

13. In reply to the Secretary's question on whether the applicant had applied to the Lands Department for a land exchange, Mr. James Merritt said that a land exchange application had been submitted but was held in abeyance until the major differences between the applicant and the seafarers and seamen's union were resolved.

14. A Member opined that a consistent approach should be taken on the time period allowed for applications for extension of time for commencement of development. Other Members concurred with this view and considered that the extension period of four years under application was consistent with the current practice. Due to the change in planning circumstances, the two additional conditions on the traffic and fire safety aspects as suggested in paragraph 8.2(a) and (b) of the Paper should also be imposed.

15. A Member shared AMO, LCSD's concern on the possible adverse visual impact of the proposed development on the Old Signal Tower. Another Member referred to the comments of the Director of Agriculture, Fisheries and Conservation in paragraph 7.1.8 of the Paper that many trees were found near the application site including a Champion Tree, and expressed concern on the adverse impacts on the trees there. After discussion, Members agreed that a visual impact assessment should be submitted by the applicant to address the visual impact of the proposed development on the Old Signal Tower. The condition regarding the submission and implementation of tree preservation scheme and landscaping proposal should continue to be included.

[Ms. Starry Lee arrived to join the meeting at this point.]

16. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 4 years until 8.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a visual impact assessment on the proposed development and implementation of the mitigation measures identified therein to minimize the visual impact of the proposed development on the Old Signal Tower to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised traffic impact assessment and implementation of the road improvement works identified therein to the satisfaction of the Commissioner for Transport or of the TPB;

- (c) 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
- (d) the submission and implementation of a tree preservation scheme and a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, he may submit a fresh application under section 16 of the Town Planning Ordinance. The Town Planning Board Guidelines No. 35A and 36 should be referred to for details;
- (b) the approval of the application did not imply that the gross floor area exemption and 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;
- (c) to consult the seafarers and the seamen's unions with regard to the provision of club facilities before finalisation of the redevelopment scheme for the Mariners Club;
- (d) to consult the Director of Leisure and Cultural Services on the proposed monitoring measures to safeguard the structure of the Old Signal Tower prior to the commencement of any works at the site;
- (e) the provision of emergency vehicular access should be in full compliance with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue;

- (f) as the sewer upgrading works at Minden Row had not yet started and would likely be carried out around 2012, the applicant's undertaking of sewerage upgrading works for the connector sewer was still necessary if the redevelopment was to be completed before end 2012; and
- (g) in the light of the Government prevailing greening policy, the applicant should provide more greenery in the subject development where appropriate.

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

### **Hong Kong District**

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

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/6                      Temporary Exhibition Hall for Motor Vehicles  
for a Period of 3 Years,  
Basement Level B1 of the Car Park Complex,  
Hong Kong Convention and Exhibition Centre,  
1 Harbour Road,  
Wan Chai  
(MPC Paper No. A/H25/6)

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Presentation and Question Sessions

18. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary exhibition hall for motor vehicles for a period of three years;
- (c) departmental comments – no objection from concerned Government departments was received. However, the Chief Buildings Surveyor/Hong Kong East, Buildings Department (CBS/HKE, BD) advised that the existing provision of means of escape would be inadequate for the proposed use. The Director of Fire Services (D of FS) advised that the previous approval condition (c) requiring the provision of fire service installations had not been complied with. The applicant submitted general building plans only a few months ago and only part of the area under application had been included in the building plan submission;
- (d) during the statutory publication period, public comments were received from a Wan Chai District Council member and two members of the public objecting to the application on grounds of reduction of car parking spaces, adverse impacts on traffic safety inside the car park, traffic congestion during mega trade fairs and air pollution. The two members of the public also believed that the reduction in car parking spaces would lead to higher parking fees. Another public comment was from the management company of a nearby building which had no adverse comment provided that there was no adverse impact on their car park occupancy rate and the traffic flow in the vicinity. The District Officer (Wanchai) advised that no significant problems or complaints had been brought to his attention from the operation so far; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.2 of the Paper in that previous approval on a temporary basis for a period of 3 years was given by the Committee. Although there were public comments on the traffic, environmental and road safety aspects, concerned Government departments, including the Transport Department (TD) and Environmental Protection Department had no adverse comment on the application. In view of D of FS and CBS/HKE, BD's concern on the fire safety aspect, a condition on the provision of means of escape was recommended. Besides, a time-limited condition was also suggested to require the provision of fire service installations within 6 months, failing which the permission would be revoked.

19. Members had the following questions on the application:

- (a) whether the application was for renewal of the previous temporary approval or a new application, noting that the application was submitted on 15.9.2006 while the last approval expired on 11.10.2006. It appeared that inadequate time had been allowed for processing an application for renewal of planning approval. Moreover, there was a period when the proposed use was not covered by any planning approval; and
- (b) whether the TD had any comments on the proposed temporary exhibition hall from the traffic safety point of view.

20. In response, Ms. Christine K.C. Tse, DPO/HK, advised that this was a new application for the proposed temporary exhibition hall use rather than an application for renewal of planning approval. Ms. Donna Y.P. Tam, STP/HK, said that TD had been specifically consulted on the traffic safety within the car park but had made no comment.

21. The Secretary added that according to the Town Planning Board (TPB) Guidelines No. 34A, the application could not be processed as an application for renewal of planning approval because it was submitted less than two months before the expiry of the previous approval.

### Deliberation Session

22. A Member asked if the Government had imposed any penalty on the applicant for continuing the operation without planning permission over the past few weeks. Mr. James Merritt advised that there was a Short Term Waiver (STW) granted for the temporary exhibition hall use for a term of 3 years (commencing on 10.10.2003) and thereafter quarterly. If there was any breach of statutory requirements, such as non-compliance with the Town Planning Ordinance and the fire safety requirements, the STW could be cancelled. The STW would automatically roll-over on a quarterly basis unless cancelled. If the Committee rejected the application or the fire service installations on site were not provided to the satisfaction of D of FS after approval, the Lands Department could terminate the STW.

23. Noting the public comments on the application, a Member considered the car park should be reserved for its intended use to serve the public visiting the Hong Kong Convention and Exhibition Centre (HKCEC) and the surrounding area.

24. In response to a Member's question on the current utilization of the other parking spaces in the HKCEC, Mr. Anthony Loo advised that he had no detailed information at hand but there should be a surplus of car parking provision in the area. Members also recalled that one of the car park floors had been left vacant before the conversion to the existing car exhibition use. In view of the surplus provision, some Members considered that the proposed temporary exhibition hall use could be approved.

25. Members then had a discussion on whether there was any correlation between parking demand in this part of Wan Chai and the fees charged. Some Members were of the view that the high fees formed part of the reason for the surplus. However, Members agreed that the level of fees charged should not be a planning consideration in determining the application.

26. Members noted that the planning circumstances had not changed much and concerned Government departments had no objection to the application. The main issue was that the applicant had not complied with the planning conditions relating to the fire safety aspect attached to the previous approval. In view of this, Members agreed to impose

a time-limited condition to ensure that the applicant would comply with the condition on fire safety aspect as suggested in paragraph 11.4(c) and (d) of the Paper. The Committee also agreed that Members' dissatisfaction with the non-compliance with the previous approval conditions should be conveyed to the applicant, and the applicant should be reminded to comply with all approval conditions and to ensure that no operation of the exhibition use would run without a valid planning permission upon expiry of the approval.

27. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 3.11.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no motor shows or car fairs or any related events should be undertaken at the premises;
- (b) the provision of means of escape to the satisfaction of the Director of Buildings or the TPB;
- (c) the provision of fire service installations and submission of documentary proof to indicate that the fire safety requirements, so endorsed, were fulfilled within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.5.2007; and
- (d) if the planning condition (c) above 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.

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

- (a) the Committee was not satisfied with the non-compliance with the approval conditions of the previous application No. A/H25/2;
- (b) the applicant should ensure compliance with all the approval conditions and no operation of the exhibition use should continue upon expiry of the planning approval;

- (c) operators should switch on vehicle engines only when necessary and switch off the engines immediately after use to minimize air pollutants in the proposed exhibition hall; and
- (d) reference should be made to the Practice Note on “Control of Air Pollution in Car Park” (ProPECC No. 2/96), which was available at Environmental Protection Department’s website. The Practice Note provides information on the air quality standards in car parks.

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, and Ms. Donna Y.P. Tam, STP/HK, for their attendance to answer Members’ enquiries. Ms. Tse and Ms. Tam left the meeting at this point.]

#### **Agenda Item 5**

##### **Any Other Business**

29. There being no other business, the meeting was closed at 10:20 a.m..