

TOWN PLANNING BOARD

Minutes of 339th Meeting of the Metro Planning Committee held at 9:00 a.m. on 1.12.2006

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Dr. Daniel B.M. To

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Mr. K.Y. Leung

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

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

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

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Mr. Stanley Y.F. Wong

Ms. Maggie M.K. Chan

Ms. Sylvia S.F. Yau

Ms. Starry W.K. Lee

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Simon C.K. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 338th MPC Meeting held on 17.11.2006

[Open Meeting]

1. The draft minutes of the 338th MPC meeting held on 17.11.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (a) New Judicial Review Received

HCAL 12/2006

Judicial Review of the Town Planning Board's Decision

with Respect to an Objection to the Draft Clear Water Bay Peninsula North
Outline Zoning Plan (OZP) No. S/SK-CWBN/1

2. The Secretary reported that an application for leave for judicial review (JR) had been filed against the Town Planning Board (the Board)'s decision of not upholding the Applicant's objection against the "Conservation Area" ("CA") zoning of its lots in D.D. 227 on the draft Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/1. Leave for JR was granted by the High Court on 8.11.2006. An information note forwarded to Members before the meeting. The grounds of JR included, inter alia, procedural unfairness; abdication of decision-making responsibility; the Board acted ultra virus and legitimate expectation. The Secretary would represent the Board on all matters relating to the JR in the usual manner and Members would be kept informed of the progress of the JR.

(b) Abandonment of Town Planning Appeal

Town Planning Appeal No. 9 of 2006 (9/06)
Shop and Services in “Other Specified Uses” annotated “Business”,
Unit P, G/F., Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(Application No. A/K14/488)

3. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 22.5.2006 against the decision of Town Planning Board to reject on review an application (No. A/K14/488) for shop and services at a site zoned “Other Specified Uses” annotated “Business” on the Kwun Tong South Outline Zoning Plan.

4. On 24.11.2006, the appeal was abandoned by the appellant of his own accord. On 27.11.2006, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(c) Appeal Statistics

5. The Secretary also reported that as at 1.12.2006, 28 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	17
Dismissed	:	87
Abandoned/Withdrawn/Invalid	:	120
Yet to be Heard	:	28
Decision Outstanding	:	4
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Total	:	256

from the District Officer (Yau Tsim Mong), supporting the application but with concerns similar to that of the public comments; 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. Regarding the local concern on the possible adverse traffic impact and the provision of a coach parking space, the Traffic Impact Assessment submitted by the applicant indicated that there would not have adverse traffic impact arising from the proposed hotel development and one light bus parking space will be provided. Taking into account the site constraints and the proposed number of guestrooms, Transport Department considered the provision of a light bus parking space instead of a single-deck tour bus parking space acceptable.

7. A Member asked whether the Committee would have to take the bonus plot ratio (PR) as proposed in the application into account in considering the planning application. In reply, Ms. Heidi Y.M. Chan, DPO/TWK, clarified that according to the Notes of the Mong Kok Outline Zoning Plan (OZP), the maximum plot ratio of 12 for the application site might be increased by the additional plot ratio by which the permitted plot ratio was permitted to be exceeded under and in accordance with the Regulation 22(1) or (2) of the Building (Planning) Regulations (B(P)R), notwithstanding that the maximum plot ratio as stipulated in the OZP might be exceeded. The Chairperson supplemented that there were provisions in the Notes of the said OZP to disregard gross floor area concessions permitted under the B(P)R.

Deliberation Session

8. The Chairperson indicated that planning permissions for hotel development had already been granted for two sites located to the north of the application site.

9. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the condition that 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. The permission should be valid until 1.12.2010, 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.

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

- (a) note that the approval of the application did not imply the gross floor area exemption for hotel concession and back of house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) rectify with the Building Authority on the set back requirements and back of house facility for the proposed hotel development;
- (c) apply to Director of Lands for lease modification for the proposed hotel development;
- (d) consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel development;
- (e) comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue regarding arrangement on Emergency Vehicular Access; and
- (f) consult the Director of Drainage Services on the proposed sewer upgrading works identified in the Sewerage Impact Assessment.

[Open Meeting (Presentation and Question Sessions 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 & B13, 1/F, Block B, Hong Kong Industrial Centre, 489-491 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/621)
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Presentation and Question Sessions

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

- (a) background to the application, highlighting that according to the applicants, the ancillary showroom use under application was ancillary to Trinity Commerce Limited (TCL) which was operating workshop, office and storage within the same building. However, the ancillary showrooms had been sub-divided into 181 units;
- (b) temporary shop and services (ancillary showroom for garments, shoes and accessories) use for a period of 3 years;
- (c) departmental comments – the Lands Department (LandsD) advised that the application premises had been sub-divided into 181 units and the layout was similar to a shopping arcade. The use of which was not permitted under the lease;
- (d) no public comment was received during the statutory publication period. The District Officer (Sham Shui Po) advised that there were two media reports, reporting that the application premises had been converted into about 180 showrooms and rented to different operators without Government permission; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper, in that the applicants had not properly substantiated the genuine need of sub-dividing the application premises into 181 units. During recent site inspection by PlanD, some units had been used as wholesale centres for garment and shoes. Although the applicants claimed that it was TCL's commercial and marketing strategy to label the products in various brands, there was insufficient information in the submission to demonstrate that all the 181

sub-divided units at the application premises were used collectively as a genuine ancillary showroom relating to the industrial firm (i.e. TCL) in the same building or same premises. Furthermore, the total internal floor area of the ancillary showrooms under application (of about 1,654m²) was larger than that of the main industrial business (of 1,407m²). The scale of the ancillary showrooms was therefore considered excessive and there was insufficient information in the submission to justify the scale of the ancillary showrooms. The approval of the application would also set an undesirable precedent for similar applications for ancillary showroom use.

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

12. Members raised the following questions :

- (a) noting that a 'For Leasing' signboard was erected within the application premises as shown in Photo 3 in Plan A-5 of the Paper, whether the rental units were still an ancillary use to TCL;
- (b) what was the nature of business for TCL;
- (c) what were the PlanD's reasons for not supporting the application;
- (d) referring to Drawing A-1 of the Paper, whether there was any control on floor area with respect to the fire services requirements as some of the shops had already under operation;
- (e) whether there was any enforcement action against any non-ancillary showroom use without planning permission; and
- (f) whether there was any information in the Business Registration Certificate (BRC) on relationship between ancillary showroom and the main industrial firm.

13. In reply, Ms. Heidi Y.M. Chan, DPO/TWK, made the following points :

- (a) the 'For Leasing' signboard previously found within the application premises had been removed during recent site inspection by PlanD and there was no information as to whether the units in the application premises had been leased out or not;
- (b) according to the applicants, the TCL's manufacturing operations were carried out in China. The main industrial use of TCL consisted of 5 units within the same building, of which 2 units were mainly for garment manufacturing while the rest of units were used as storeroom and ancillary office;
- (c) the total internal floor area of the ancillary showrooms under application (of about 1,654m²) was larger than that of the main industrial business (of 1,407m², located in 5 other units within the same building). In relation to the size and proportion of the main use located in the same building, the scale of the ancillary showrooms was considered excessive. Besides, the application premises had been sub-divided into 181 units which could hardly be considered genuine ancillary showrooms;
- (d) referring to paragraph 4(c) of the Paper, according to the Fire Services Department (FSD), the 230m²/460m² criterion for commercial uses of an industrial building did not apply to the application premises for ancillary showroom relating to the main industrial use in the same building. Hence, FSD had no objection to the application;
- (e) as advised by LandsD, the ancillary showroom use under application was not permitted under the lease, and LandsD had already received a waiver application for showroom use which would only be processed until the application was approved by the Committee; and
- (f) the onus of providing information to demonstrate that the showrooms were ancillary to the main use rested with the applicant. There was no BRC information in the submission to show the relationship between the

ancillary showroom and the main industrial firm.

Deliberation Session

14. Noting that the application premises had already been used more like a shopping arcade than ancillary showrooms, a Member did not support the application. The same Member was of the view that the approval of the application would set an undesirable precedent for similar applications within the industrial building.

15. Another Member shared the same view and sought clarification from DPO/TWK on any unauthorized use of the application premises. In reply, Ms. Heidi Y.M. Chan, DPO/TWK, said that as advised by LandsD, the ancillary showroom use under application was not permitted under the lease. Furthermore, the application premises for commercial use without planning approval was also not permitted under the Town Planning Ordinance.

16. In response to the Chairperson's enquiry on the lease enforcement action, Mr. James Merritt said that as the use under application was not permitted under the lease, appropriate lease enforcement action would be taken by LandsD according to the priority of work should the application be rejected by the Committee.

17. The Chairperson concluded that Members generally did not support the application taking into account the reasons for rejection as detailed in paragraphs 12.5 of the Paper.

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

- (a) there was insufficient information in the submission to demonstrate that the premises would be used as a genuine ancillary showroom to an industrial firm in the same premises or same building;
- (b) the scale of the ancillary showrooms under application was considered excessive. There was insufficient information in the submission to justify the scale of the ancillary showrooms; and

- (c) the approval of the application would set an undesirable precedent for similar applications within the “Other Specified Uses” annotated “Business” zone.

[Post-Meeting Notes : A letter from the applicants’ consultant dated 1.12.2006 was received after the case had been considered by the Committee, indicating that the application premises had been sub-divided into 153 units instead of 181 units.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) 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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19. Mr. K.Y. Leung declared an interest in this item as he was previously the chief property manager of Hong Kong Telecommunications Ltd., the former name of Pacific Century Cyber Works – Hong Kong Telephone Ltd. (PCCW) until October 2001. Noting that Mr. Leung had left the job for a long period of time, the Committee considered that Mr. Leung’s interest was indirect and he could be allowed to stay in the meeting and participate in the deliberation of the application.

Presentation and Question Sessions

20. 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) office use;
- (c) departmental comments – Lands Department (LandsD) advised that the office use at the application premises was not permitted under the lease

unless the consent from LandsD had been obtained but only for a temporary period. The Director-General of Telecommunications (DG of T) advised that the information in the submission was insufficient for a full assessment. DG of T also raised concern that approving this case without sufficient justifications would open the flood gate for similar uses in telephone exchange buildings;

- (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 did not support the application for reasons given in paragraph 12.1 of the Paper, in that according to LandsD, the lot should not be used for any purpose other than telephone exchange (TE) and its ancillary facilities. LandsD advised that 6 out of 15 storeys of the subject TE building had been used for office purpose previously covered by temporary waivers/consents which had already expired, and the use of the application premises for office on permanent basis was not permitted under the lease. As the application premises and a number of the other storeys of the subject building were being used for office, the approval of the application would further increase the proportion of office use in the subject TE building which was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone and the Town Planning Board Guidelines for development within “G/IC” zone (TPB PG-No. 16). Besides, there was insufficient information in the submission to demonstrate that the office use under application had to be located at the subject TE building. DG of T also advised that approving this case without sufficient justifications would open the flood gate for similar uses in telephone exchange buildings. As such, approval of the application would therefore set an undesirable precedent for other similar applications on the “G/IC” zone.

21. Members had no question on the application.

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

Presentation and Question Sessions

25. 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) proposed shop and services (temporary motor-vehicle showroom) use and temporary minor relaxation of non-domestic gross floor area restriction for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) five public comments, one of which enclosed with 57 signatures, were received during the statutory publication period, raising objection to the application on the grounds of causing inconvenience and unfairness to the Discovery Park’s residents, reducing car parking spaces available to the residents, affecting the car park’s security and generating adverse environmental and traffic impacts within the car park and on the surrounding areas; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper, in that the proposed renewal of the previously approved Application No. A/TW/346 and relaxation of non-domestic GFA restriction were only on a temporary basis, which was considered acceptable. Transport Department (TD) advised that there was a surplus of private car parking spaces in Discovery Park and Tsuen Wan district even 177 car parking spaces in Discovery Park would be used for the proposed temporary motor-vehicle showroom. The number of car parking spaces (177 spaces) that would be affected by the

proposed temporary motor-vehicle showroom was within the surplus car parking space range. For the local concerns on traffic and environment impacts, relevant Government departments like TD and Environmental Protection Department had no objection to the application. Regarding the concerns on car park management and the security of Discovery Park, the applicant should be advised to address these issues with the management of Discovery Park.

26. A Member asked whether the current application was a renewal of previously approved application. In reply, Ms. Heidi Y.M. Chan, DPO/TWK, said that on 25.6.2004, the Committee approved Application No. A/TW/346 for the same temporary use for a period of 3 years at the subject premises. As the temporary planning approval would expire in 2007, the applicant intended to apply for renewal of the temporary planning approval.

Deliberation Session

27. The Chairperson remarked that the current application was a renewal of previous temporary planning approval.

28. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 1.12.2009, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) note that the approval of the application did not imply that necessary approvals would be given by any Government department. The applicant should approach the relevant Government departments direct for any necessary approvals;
- (b) apply to the Director of Lands for a temporary waiver for the proposed temporary use;

- (c) submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance and its regulations;
- (d) liaise with the management of Discovery Park regarding the car park management and security concerns of the residents;
- (e) resolve any land issues relating to the development with the concerned owner(s) of the application premises; and
- (f) note that the approved gross floor area (GFA) (4,841.27 m²) for the proposed temporary motor-vehicle showroom covered all the GFA accountable areas under the Buildings Ordinance and its regulations for the proposed use.

[Dr. Greg C.Y. Wong and Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/TY/99 Proposed Public Utility Installation (Package Transformer) in “Village Type Development” zone, Government Land, Tsing Fai Village, Fung Shue Wo Road, Tsing Yi (MPC Paper No. A/TY/99)
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Presentation and Question Sessions

30. The Committee noted that the applicant had requested on 27.11.2006 for deferment of the consideration of the application to resolve certain technical constraints inherent with the location of the proposed development.

Deliberation Session

31. After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending further submission 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 further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of 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.]

Kowloon District

[Mr. Kelvin K.W. Chan, District Planning Officer/Kowloon (DPO/K), and Miss Annie K.W. To, 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 Sessions Only)]

- (i) A/K9/212 School (Tutorial School) in “Residential (Group A)” zone,
Unit A, 3/F, Yun Tat Commercial Building,
70-74 Wuhu Street,
Hung Hom (HHIL 342, 355 and 404)
(MPC Paper No. A/K9/212)
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Presentation and Question Sessions

32. Mr. Kelvin K.W. Chan, DPO/K, drew Members' attention to the replacement page 5 of the Paper. With the aid of a powerpoint presentation, Miss Annie K.W. To, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) school (tutorial school) use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) One public comment was received during the statutory publication period raising concern on fire safety problem; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper. Regarding the local concern on fire safety problem, relevant Government departments, including the Fire Services Department, Buildings Department and the Secretary for Education and Manpower had no objection to the application.

33. Members had no question on the application.

Deliberation Session

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 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including fire service installations in the subject premises, 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 1.6.2007; 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.

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

- (a) consult the Registration Section of the Education and Manpower Bureau on school registration process under the Education Ordinance/ Regulations;
- (b) resolve any land issues relating to the development with the owner of the application premises; and
- (c) note that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulation. The applicant should approach the Chief Building Surveyor/Kowloon, Buildings Department direct to obtain the necessary approval.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K9/213 Proposed Hotel (Guesthouse)
in “Residential (Group A)” zone,
100-102 Wuhu Street, Hung Hom
(MPC Paper No. A/K9/213)
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Presentation and Question Sessions

36. The Committee noted that the applicant had requested on 15.11.2006 for deferment of the consideration of the application to allow time to submit supplementary information for the Committee’s consideration.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K13/217 Proposed Minor Relaxation of Building Height Restriction for Permitted Development (including Office and Shop and Services (Retail)) to 174mPD in “Other Specified Uses” annotated “Business 1” zone, Junction of Sheung Yuet Road, Wang Tai Road and Wang Mau Street, Kowloon Bay (NKIL 6280)
(MPC Paper No. A/K13/217)
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38. The application was submitted by a subsidiary of Manhattan Realty Limited. The Committee noted that Dr. Greg C.Y. Wong, having current business dealings with Manhattan Realty Limited, declared an interest in this item. Nevertheless, the applicant had requested for a deferment of consideration of the application and Dr. Greg C.Y. Wong could be allowed to stay at the meeting.

Presentation and Question Sessions

39. The Committee noted that the applicant had requested on 30.11.2006 for deferment of the consideration of the application to allow time to prepare and submit further responses to address Planning Department’s comments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K14/515 Proposed Shop and Services (Ancillary Showroom)
in “Other Specified Uses” annotated “Business” zone,
Portion of Unit N (and Storeroom),
G/F, Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/515)
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Presentation and Question Sessions

41. With the aid of a powerpoint presentation, Miss Annie K.W. To, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed shop and services (ancillary showroom) use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) two supporting public comments were received during the statutory publication period, one of which however raised concern on the requirement for waiver fee which would render the proposed use economically non-viable. Local concerns were received from the District Officer (Kwun Tong) on the pedestrian safety problem and traffic impact; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper, in that the applicant proposed about 80% of the total floor area for ancillary showroom use while the remaining 20% for the main industrial use at the subject premises. However, the applicant had not specified in the submission the type of product for display in the showroom “to avoid

repeated planning application” as the applicant claimed that the products on display would vary from time to time. This might give rise to possible abuse of use of the premises for non-ancillary showroom use. Besides, the size of the proposed ancillary showroom was out of proportion as its area approximately equals to 4 times the area of the industrial portion and the applicant had not provided detailed justification for the disproportionate use of floor space for the applied use.

42. In response to a Member’s enquiry on the floor area calculation of the application premises, Mr. Kelvin K.W. Chan, DPO/K, said that according to the applicant, the storeroom was not included in the floor area calculation.

43. In response to the Chairperson’s enquiry on the storeroom, Mr. Kelvin K.W. Chan referred Members to Plan A-3 of the Paper and said that the storeroom’s headroom was 0.64m high. The storeroom used for storage of odds and ends was not included in the application.

Deliberation Session

44. The Chairperson indicated that the ancillary showroom use was largely out of proportion to the main industrial use within the subject premises.

45. After deliberation, the Committee decided to reject the application and the reason was that the proposed area for ancillary showroom use was considered out of proportion to the industrial portion within the same premises. In this context, it could not be regarded as an ancillary showroom.

[The Chairperson thanked Mr. Kelvin K.W. Chan, DPO/K, and Miss Annie K.W. To, STP/K, for their attendance to answer Members’ enquiries. Mr. Chan and Miss To left the meeting at this point.]

Hong Kong District

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Ms. 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/H15/221 Minor Relaxation of Building Height Restriction
 from 120mPD to 134.7mPD
 in “Other Specified Uses” annotated “Business 1” zone,
 2 Heung Yip Road, Wong Chuk Hang (Aberdeen Inland Lot 374)
 (MPC Paper No. A/H15/221)

46. The application was submitted by a subsidiary of Wheelock Properties (Hong Kong) Limited. The Committee noted that Dr. Greg C.Y. Wong, having current business dealings with Wheelock Properties (Hong Kong) Limited, declared an interest in this item.

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

Presentation and Question Sessions

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

- (a) background to the application highlighting that planning application for hotel development at the subject site with a maximum building height of 134.7mPD was approved by the Committee on 17.12.2004. On 17.3.2006, the Committee agreed the proposed amendments to the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/22 to divide the “Other Specified Uses” annotated “Business” (“OU(B)”) zone within the Wong Chuk Hang area into two sub-areas, i.e. “OU(B)1” & “OU(B)2”,

with the incorporation of building height restrictions of 120 and 140mPD for the sub-areas respectively. During the exhibition period of the draft Aberdeen & Ap Lei Chau OZP, seven representations were received. All representations were against the imposition of building height restrictions in the Wong Chuk Hang Business Area except one which suggested the imposition of a lower height restriction (100mPD or below). The application site was the subject of representations received during the exhibition period. On 11.8.2006, the Town Planning Board (the Board) gave consideration to the representations and the comment, and decided not to propose any amendment to the draft OZP to meet any representation. In accordance with section 8 of the Town Planning Ordinance, the Board should submit the draft OZP, together with a schedule of the representations and comment on the representations to the Chief Executive in Council (CE in C) for approval within nine months of the expiration of the plan exhibition period, i.e. before 24.2.2007;

- (b) applicant's proposal - minor Relaxation of Building Height Restriction from 120mPD to 134.7mPD;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) two public comments were received during the statutory publication period, raising objection to the application on the grounds of contravening the objective of imposing the height restriction and the aspiration for lower building height profile for the Wong Chuk Hang area, and setting a precedent for other similar applications; and
- (e) the Planning Department (PlanD)'s views – the "OU(B)1" zone covering the application site was the subject of representations with regard to the proposed amendments to the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/22. As the subject OZP together with its unwithdrawn representations had yet to be submitted to the CE in C for approval, the approval of this application would pre-empt the decision of

the CE in C. In according with the Town Planning Board Guidelines No. 33 (TPB PG-No. 33) and for the reasons as detailed in paragraphs 4.1, 4.2 and 11 of the Paper, PlanD suggested that the consideration of the application be deferred. Three planning applications (Nos. A/H15/216, A/H15/217 and A/H15/220) within the Wong Chuk Hang Business Area were already deferred by the Committee in June 2006 and October 2006 under similar consideration.

48. Members had no question on the application.

Deliberation Session

49. After deliberation, the Committee decided to defer a decision on the application pending Chief Executive in Council's decision on the Aberdeen & Ap Lei Chau Outline Zoning Plan.

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

Agenda Item 6

50. The minutes of this item were recorded under separate confidential cover.

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, and Ms. 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 7

Any Other Business

51. There being no other business, the meeting was closed at 11:30 a.m..