

TOWN PLANNING BOARD

**Minutes of 341st Meeting of the
Metro Planning Committee held at 9:00 a.m. on 5.1.2007**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

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

Secretary

Absent with Apologies

Ms. Maggie M.K. Chan

Ms. Sylvia S.F. Yau

Professor Paul K.S. Lam

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

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

Deputy Director (General), Lands Department
Mr. Herbert Leung

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
Ms. Karina W.M. Mok

Agenda Item 1

Confirmation of the Draft Minutes of the 340th MPC Meeting held on 15.12.2006

[Open Meeting]

1. The draft minutes of the 340th MPC meeting held on 15.12.2006 were confirmed without amendments.

[Mr. Stanley Y.F. Wong arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Decision Received

Town Planning Appeal No. 7 of 2006

Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Undetermined” zone

Lot 743 in DD 122, Yung Yuen Road, Ping Shan, Yuen Long

(Application No. A/YL-PS/230)

2. The Secretary reported that the captioned appeal was against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/YL-PS/230) for temporary open storage of construction materials for a period of 3 years at a site zoned “Undetermined” (“U”) on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/11. The appeal, which was heard by the Town Planning Appeal Board (TPAB) on 23.11.2006, was dismissed by the TPAB on 22.12.2006 mainly on the grounds that the Appellant failed to submit technical assessments to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts; there was strong local objection; there were objections by Government departments to the ill-effects on the environment and the surrounding areas; the Appellant failed to comply with the requirements of the TPB Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’; and the conclusions and reasons put forward by the TPB in rejecting the application and its review were valid. A copy of the Summary of

Appeal and the TPAB's decision had been sent to Members for reference.

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

(b) Appeal Statistics

3. The Secretary said that as at 5.1.2007, a total of 25 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	88
Abandoned/Withdrawn/Invalid	:	120
Yet to be Heard	:	25
Decision Outstanding	:	8
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Total	:	258

[Professor N.K. Leung arrived to join the meeting at this point.]

Kowloon District

[Mr. Kelvin K.W. Chan, 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 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K11/177 Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Workshop No. 4A(Portion), G/F,
Laurels Industrial Centre,
32 Tai Yau Street, San Po Kong
(MPC Paper No. A/K11/177)
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Presentation and Question Sessions

4. 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 use, highlighting that planning approval for shop and services use (florist shop) at the application premises had previously been granted on 25.6.2004;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received with no comment on the application. The District Officer (Wong Tai Sin) received a local objection on the ground that too many shops would be harmful to the business of the existing retail shops; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper, in that the use under application complied with the Town Planning Board Guidelines No. 22C and was compatible with the uses on the ground floor of existing industrial buildings in the area. Relevant Government departments, including Fire Services Department, had no objection to the application. With regard to the local objection received by the District Officer (Wong Tai Sin), the applied use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. There was no change in planning circumstances since the approval of previous planning application (No. A/K/11/158) for florist shop at the application premises.

5. Members had no question on the application.

Deliberation Session

6. 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 the provision of a means of escape and fire service installations in the subject premises, within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.7.2007; 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.

7. The Committee also agreed to advise the applicant that no vehicular access from public road to the application premises would be allowed.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K13/218 Temporary Shop and Services (Estate Agent Office)
for a Period of 3 Years
in “Other Specified Uses” annotated “Business” zone,
Unit 5A, G/F, Kowloon Bay Industrial Centre,
15 Wang Hoi Road, Kowloon Bay
(MPC Paper No. A/K13/218)
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Presentation and Question Sessions

8. 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 temporary shop and services (estate agent office) use for a period of 3 years, highlighting that planning permission for the same use at the application premises for a temporary period of 3 years was revoked on 7.10.2006 due to non-compliance with the approval condition relating to fire safety measures. However, the applicant had now made submission to the Fire Services Department on fire services installations;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment supporting the application was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper, in that the use under application complied with the Town Planning Board Guidelines No. 22C and was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. Relevant Government departments, including Fire Services Department, had no objection to the application. Planning approval (No. A/K/13/213) for the same use at the application premises had previously been granted and there was no change in planning circumstances since the previous planning approval.

9. Members had no question on the application.

Deliberation Session

10. In response to a Member's question, Mr. Kelvin Chan, DPO/K, replied that it was the usual practice to impose a time limit of 6 months, for cases involving regularization of shop and services uses in industrial/industrial-office buildings, for the compliance with fire-safety related approval condition. The Secretary supplemented that planning

permissions for permanent uses or developments were usually not subject to time-limited approval conditions. However, from the fire safety point of view and on advice of the Fire Services Department, the Board had adopted a floor area criterion to limit the commercial uses on the ground floor of industrial/industrial-office buildings. Under this criterion, the aggregate commercial floor areas on the ground floor of an existing industrial/industrial-office building with and without sprinkler systems should not exceed 460m² and 230m² respectively and applications for such uses would be considered on a first-come-first-served principle. In order to avoid the situation that applicants holding planning permissions without implementation, when approving any proposed change of use of industrial premises to commercial uses, a shorter time limit of two years for commencement would be imposed by the Committee and the applicant was required to comply with the condition on fire service installations before operation of the use. For existing operation, a time limit of 6 months would be imposed for compliance with the approval condition relating to fire safety measures with provision of revocation for non-compliance. The Secretary suggested to provide Members with the relevant Town Planning Board paper, minutes and guidelines for Members' reference.

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

11. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.1.2010, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission and implementation of fire safety measures within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.7.2007; 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.

12. The Committee also agreed to advise the applicant :

- (a) to appoint an Authorized Person to submit building plans to demonstrate

- (a) background to the application;
- (b) the proposed temporary shop and services use for a period of 3 years;
- (c) departmental comments – concerned Government departments had no in-principle objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received. The commenter supported the application, but raised concern on the requirement for waiver fee which would render the proposed use economically non-viable. In addition, the District Officer (Kwun Tong) stated that the public was concerned about the traffic issues in the Kwun Tong Industrial Area. If loading and unloading activities were required for the commercial use at the application premises, pedestrian safety and traffic aspects should be taken into account. The local leaders had also 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 reasons as detailed in paragraph 11.1 of the Paper, in that the use under application complied with the Town Planning Board Guidelines No. 22C and was considered generally in line with the planning intention of the “Other Specified Use” annotated “Business” zone. Relevant Government departments, including Fire Services Department, had no in-principle objection to or adverse comments on the application. With regard to the traffic concerns raised by the District Officer (Kwun Tong), the Assistant Commissioner for Transport/Urban, Transport Department had no objection to the application from traffic point of view.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.1.2010, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.7.2007; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

17. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the shop and services use under application;
- (b) to reinstate an approved ramp for persons with a disability in accordance with the building plan No. A/01/02 approved on 5.1.1999;
- (c) to exercise proper care when working in the vicinity of the drains and sewers in order not to disturb, interfere with or cause damage to them. Any damage to the public drains/sewers should be made good to the satisfaction of the Director of Drainage Services and at the applicant's own cost; and
- (d) to note that the operation of food business required a food licence issued by the Food and Environmental Hygiene Department.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K14/521 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Portion of Workshop Units No. 1 and 2, G/F,
11-13 Shing Yip Street, Kwun Tong
(MPC Paper No. A/K14/521)
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Presentation and Question Sessions

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

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 proposed shop and services use, highlighting that part of the application area was proposed for access/circulation area, toilet, bank, fast food counter, local provisions store and electrical shop uses;
- (c) departmental comments – the Director of Fire Services (D of FS) did not support the application as the application area (including 566m² of access/circulation area) would exceed the aggregate commercial floor area limit of 460m² that would be allowed on the ground floor of the subject sprinkler-protected industrial building;
- (d) during the statutory publication period, one public comment was received. The commenter supported the application, but raised concern on the requirement for waiver fee which would render the proposed use economically non-viable. In addition, the District Officer (Kwun Tong) stated that the public was concerned about the traffic issues in the Kwun Tong Industrial Area. If loading and unloading activities were required for the commercial use at the application premises, pedestrian safety and

traffic aspects should be taken into account. The local leaders had also 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 did not support the application for reason as detailed in paragraph 11.1 of the Paper in that the proposed use was not acceptable from fire safety point of view. As advised by the D of FS, the application area (including 566m² of access/circulation area) would exceed the aggregate commercial floor area limit of 460m² that would be allowed on the ground floor of the subject sprinkler-protected industrial building.

19. Members had no question on the application.

Deliberation Session

20. A Member said that the “U-shaped” layout of the proposed shop and services uses would render the route of escape for users at the rear of the application premises far away from the entrance/exit, which might not be conducive to public safety in case of fire incidents.

21. After deliberation, the Committee decided to reject the application and the reason was that the application was not supported from fire safety point of view.

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

Hong Kong District

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H3/373 Proposed Place of Recreation,
Sports or Culture (Public Swimming Pool)
in “Open Space” zone,
Western Reclamation at the junction of
Eastern Street North/Connaught Road West/
Western Fire Services Street, Sai Ying Pun
(MPC Paper No. A/H3/373)
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Presentation and Question Sessions

22. The application was submitted by the Architectural Services Department. Dr. Greg C.Y. Wong declared an interest in this item as he had current business dealings with the applicant. As the applicant had requested the Committee to defer consideration of the application and discussion of and determination on this item was not necessary, he was allowed to stay in the meeting.

23. The Secretary reported that a replacement page 1 had already been sent to Members. The Committee noted that the applicant’s representative requested on 15.12.2006 for a deferment of the consideration of the application to allow time to prepare further information to clarify the concerns of relevant Government departments.

Deliberation Session

24. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further 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.

