

**TOWN PLANNING BOARD**

**Minutes of 345th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 9.3.2007**

**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

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

Assistant Director (Kowloon), Lands Department

Mr. Gary Cheung

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

Secretary

**Absent with Apologies**

Professor Bernard V.W.F. Lim

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

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

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

**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  
Mr. K.W. Ng

**Agenda Item 1**

Confirmation of the Draft Minutes of the 344th MPC Meeting held on 23.2.2007

[Open Meeting]

1. The draft minutes of the 344th MPC meeting held on 23.2.2007 were confirmed without amendments.

[Mr. Nelson W.Y. Chan and Dr. Daniel B.M. To arrived to join the meeting at this point.]

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

**Tsuen Wan and West Kowloon District**

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Edward P.L. Li, 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 Sessions Only)]

- (i) A/K5/630 Temporary Shop and Services (Showroom for Garments) for a Period of 3 Years in "Other Specified Uses" annotated "Business" Zone, Workshops B1 and B2, G/F, Block B, Hong Kong Industrial Centre, 489-491 Castle Peak Road, Cheung Sha Wan (MPC Paper No. A/K5/630)
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### Presentation and Question Sessions

3. Mr. Edward P.L. Li, STP/TWK, 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 (showroom for garments) use for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period, and no local objection was received by the relevant 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.

4. Members had no question on the application.

### Deliberation Session

5. A Member noted that the showrooms at Units B1 and B2 under application amounted to 460m<sup>2</sup>. According to Plan A-2a of the Paper, all the units on the ground floor of Block B of the subject building had been approved for showroom use and the aggregate floor area should have exceeded 460m<sup>2</sup>. While the Fire Services Department (FSD)'s criteria of aggregate commercial floor area of 230m<sup>2</sup>/460m<sup>2</sup> on the ground floor of an existing industrial building did not apply to 'showroom' use, it was uncertain that these showrooms would not in some ways be operating like retail shops. There was concern from the fire safety point of view as these showrooms might attract a number of visiting members of the public.

6. In response, Ms. Heidi Y.M. Chan, DPO/TWK, said that the ground floor of the subject building was divided into many units with planning permissions granted for

'showroom' use. They operated under Short Term Waivers granted by the Lands Department (LandsD) with the restriction for showroom use only. However, based on a recent visit to the subject building, it was found that some of the showrooms had retail activities, though not operating openly. The situation had been reported to the LandsD who was responsible for taking lease enforcement actions.

7. In reply to the Chairperson's question, Ms. Heidi Y.M. Chan explained that the Guidelines for uses within "Industrial" zone had included FSD's 230m<sup>2</sup>/460m<sup>2</sup> criteria. The limits on aggregate commercial floor area on the ground floor did not apply to uses which were ancillary to or for the purposes of supporting the industrial activities including showroom use. For Members' information, she said that a previous application (No. A/K5/621) for temporary showroom on 1/F of the same building was rejected by the Committee on 1.12.2006 mainly on the ground of insufficient information to demonstrate that it was a genuine ancillary showroom to an industrial firm within the building.

8. The Chairperson noted Members' concern and said that although there were clear definitions of the uses, in practice, it was sometimes difficult to distinguish retail shop and showroom use on site. The Secretary said that the Town Planning Board Guidelines was revised to incorporate the 230m<sup>2</sup>/460m<sup>2</sup> criteria mainly based on comments from the FSD. According to the Guidelines, the criteria did not apply to such uses as bank, fast food counter, local provisions store and showroom in connection with the main industrial use. The possible abuse of using showrooms as retail shops had been a subject of discussion among relevant Government departments including the FSD, LandsD and PlanD. A paper was being prepared by the Secretariat on enforcement of planning conditions relating to fire safety installations for submission to the Town Planning Board for consideration. Representatives from concerned Government departments would be invited to attend the relevant meeting to address the issues raised by Members.

9. A Member said that the intention of the "Other Specified Uses" annotated "Business" ("OU(B)") zone was primarily for general business uses. It was to allow the phasing out of existing polluting and hazardous industrial uses so that these areas could be transformed to cater for new non-polluting business uses including showrooms and retail shops. As such, instead of providing further refinements to categorize these uses, the FSD should comprehensively consider the floor layout of these industrial buildings, particularly the access routes, and advise how these uses could be permitted while satisfying the fire

safety requirements during this transitional period.

10. The Chairperson said that it was the intention of the “OU(B)” zone to encourage redevelopment to business/office use and to provide greater flexibility for change of use in existing industrial buildings, without compromising fire safety requirements. Members’ concerns and suggestions would be conveyed to the concerned Government departments for further consideration.

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

11. In response to a Member’s enquiry on the provision for ‘showroom’ use in the Notes of the relevant Outline Zoning Plan (OZP), Ms. Heidi Y.M. Chan said that for industrial or industrial-office buildings within areas zoned “OU(B)” under the Notes of the draft Cheung Sha Wan OZP, showroom on the ground floor and ancillary showroom on any floor required planning permission from the Town Planning Board. For ancillary showroom use, it should be related to an industrial firm in the same building. However, showroom use on the G/F needed not be ancillary in nature.

[Mr. K.Y. Leung left the meeting temporarily at this point.]

12. Another Member said that according to Plan A-2a of the Paper, the whole ground floor was used as showrooms. Based on previous discussion on similar applications, wholesale conversion of lower floors to commercial uses might be permitted if a buffer floor separated the commercial uses from the industrial portion above. In response, the Secretary said that similar applications (No. A/K14/481 to 484) for shop and services use on the ground floor of an industrial building were rejected by the Committee on 28.10.2005 on ground of fire safety. In those applications, one of the units on the ground floor was still used as workshop and the first floor was designated for car park use with one workshop. According to the FSD’s advice, should the remaining workshop be changed to non-industrial uses, the whole first floor could be regarded as a buffer floor, then conversion of the whole ground floor to commercial use could be permissible. In the present application, workshops were still found on the first floor.

13. A Member pointed out that fire safety was an important consideration of applications for commercial uses, including showroom in an industrial building, as they

would attract a large number of visitors. The problem was to some extent similar to the situation in a computer mart.

14. The Chairperson concluded that there could be further discussion on the issues when the paper under preparation was submitted to the Town Planning Board. For the current application, the applied use complied with the relevant Town Planning Board Guidelines.

15. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service 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 TPB by 9.9.2007; 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.

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

- (a) the existing lightwell within Workshop B2 should be excluded from the application premises;
- (b) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary wavier to permit the applied uses; and
- (c) to consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of building plans in respect of separation of the application premises from other existing uses of the subject building by proper fire resisting construction and design, provision of means of escape as well as provision of access and facilities for persons with a disability and sanitary fitments.

[Mr. K.Y. Leung returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii)           A/TY/98                   Religious Institution (Redevelopment)  
  in “Village Type Development” Zone,  
  Tsing Yi Town Lot 122,  
  32 Tsing King Road, Tsing Yi  
  (MPC Paper No. A/TY/98)
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Presentation and Question Sessions

17.           Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application;
- (b)   the proposed redevelopment of the religious institution;
- (c)   departmental comments – no objection from concerned Government departments was received. The District Officer (Kwai Tsing) advised that there were local concerns on the compatibility of the proposed development with the low density of the area, lack of comprehensive information for consultation and that the approval of the application would set an undesirable precedent for relaxation of PR in the area;
- (d)   four public comments objecting to the application were received during the statutory publication period. The grounds of objection were mainly that the proposal would affect the views of the nearby village houses and spoil the current stepped height profile of the buildings on the slope; that there was a lack of details of the proposal and consultation, insufficient grounds for relaxation of plot ratio; and that additional parking spaces would reduce the villagers’ activity space; 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. The scale and intensity of the proposed development were considered to be in keeping with that of the adjacent village area. Although there would be an increase in building bulk, the height profile, built form and outlook of the redevelopment would remain similar to the existing situation. As there was a substantial level difference between the application site and the adjacent village, the proposed increase in site coverage would not have a significant adverse visual impact on the surrounding area. Also, the proposed parking spaces would be accommodated within the application site and would not infringe upon the surrounding areas. All concerned Government departments, including the Architectural Services Department and Urban Design and Landscape Unit of the PlanD, had no objection to the application. The PlanD had also followed the statutory requirements and established procedures in carrying out public consultation on the subject application. All members of the public could inspect the full submission of the application at the Planning Enquiry Counters of the PlanD as specified in the notice for the application.

18. Members had no question on the application.

#### Deliberation Session

19. A Member pointed out that under the proposed redevelopment scheme, a space marked for fire appliance on the ground floor would be deleted. In response, the Chairperson said that the Fire Services Department (FSD) had no objection to the application and advised that detailed fire safety requirements would be formulated during the submission of the building plans at a later stage. Appropriate approval condition and advisory clause concerning this matter had been recommended by the PlanD.

20. Another Member noted the concerns of the local villagers and opined that more information could have been provided to the villagers to avoid misunderstanding. The Chairperson said that the amount of information on applications to be made available in public notices could be reviewed by the PlanD, after gaining some experience under the amended Town Planning Ordinance.

21. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.3.2011, 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 to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a lease modification for the proposed redevelopment; and
- (b) to comply with the Buildings Ordinance at building plan submission stage when the permitted development intensity and the provision of emergency vehicular access would be considered in detail.

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK, and Mr. Edward P.L. Li, STP/TWK, for their attendance to answer Members' enquiries. Ms. Chan and Mr. Li left 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 4**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/K/5                           Renewal of Planning Approval  
for Temporary Public Vehicle Park  
(Excluding Container Vehicle) Use  
under Application No. A/K/1 for a Period of 3 Years  
from 27.3.2007 up to 26.3.2010  
in “Residential (Group A)” Zone,  
Car Parks at Choi Hung Estate, Choi Wan (II) Estate,  
Fu Shan Estate and Mei Tung Estate, Kowloon  
(MPC Paper No. A/K/5)
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23.           The Secretary said that as the subject application was made by the Housing Department on behalf of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item :

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|--|---|
| Mrs. Ava S.Y. Ng<br>as the Director of Planning                              | - being a member of the Strategic Planning Committee (SPC) of the HKHA  |
| Dr. Greg C.Y. Wong   | - having current business dealing with the Housing Department   |
| Mr. Stanley Y.F. Wong  | - being a member of the HKHA  |
| Mr. Walter K.L. Chan   | - being a member of the HKHA  |
| Mr. Gary Cheung<br>as the Assistant Director of<br>Lands Department          | - being an assistant to the Director of Lands who was a member of the HKHA  |
| Ms. Margaret Hsia<br>as the Assistant Director of<br>Home Affairs Department | - being an assistant to the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of the HKHA |

24.           The Committee noted that Ms. Margaret Hsia had tendered her apologies for being unable to attend the meeting. The Secretary pointed out that when both the Chairperson and Vice-chairman needed to declare interest for an item, according to the Town Planning Board’s “Procedure and Practice”, the Chairperson could continue to chair the meeting out of necessity. Members agreed that the Chairperson should stay and continue to

chair the meeting according to the established practice.

[Dr. Greg C.Y. Wong, and Messrs. Stanley Y.F. Wong, Walter K.L. Chan and Gary Cheung left the meeting temporarily at this point.]

#### Presentation and Question Sessions

25. Mr. Kelvin K.W. Chan, DPO/K, 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 public vehicle park (excluding container vehicle) use under Application No. A/K/1 for letting the surplus car parking spaces of the four subject estates to non-residents on a monthly basis for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period, and no local objection was received by the relevant District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper.

26. In response to some Members' questions, Mr. Kelvin K.W. Chan made the following points :

- (a) the table under paragraph 1.4 of the Paper showed the numbers and percentages of surplus car parking spaces in the four subject estates under the previously approved application and the current application. The percentages under the current application ranged from 19% to 66% while those under the previously approved application ranged from 14% to 56%;

- (b) some surplus car parking spaces had still been left vacant since the approval of the previous application; and
- (c) according to the applicant, residents of the subject estates would have priorities to rent the car parking spaces, and the surplus spaces would be let to non-residents on a monthly basis. As such, the parking demand of the residents could be monitored by the applicant.

27. In view of the persistent low usage rates of the car parking spaces in some of the estates, a Member said that the applicant might consider changing parts of the surplus car parking spaces into other uses so as to better utilize the resources. The Chairperson said that some of the car parks were in purpose-built buildings and some were open-air, it might not be possible to convert the surplus car parks to other uses on a permanent basis which had to comply with the relevant ordinances and regulations.

#### Deliberation Session

28. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 27.3.2007 to 26.3.2010, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the proposed number of car parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

29. The Committee also agreed to advise the applicant in letting the surplus parking spaces, priority should be given to residents of the public housing estates concerned.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K13/219 Proposed Public Vehicle Park  
(Excluding Container Vehicle)  
(Surplus Car Parking Spaces Only)  
in “Residential (Group A)” Zone,  
Open Car Park at Lower Ngau Tau Kok II Estate,  
Ngau Tau Kok  
(MPC Paper No. A/K13/219)
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30. The Secretary said that as the subject application was made by the Housing Department on behalf of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item :

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|--|---|
| Mrs. Ava S.Y. Ng<br>as the Director of Planning                              | - being a member of the Strategic Planning Committee (SPC) of the HKHA  |
| Dr. Greg C.Y. Wong   | - having current business dealing with the Housing Department   |
| Mr. Stanley Y.F. Wong  | - being a member of the HKHA  |
| Mr. Walter K.L. Chan   | - being a member of the HKHA  |
| Mr. Gary Cheung<br>as the Assistant Director of<br>Lands Department          | - being an assistant to the Director of Lands who was a member of the HKHA  |
| Ms. Margaret Hsia<br>as the Assistant Director of<br>Home Affairs Department | - being an assistant to the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of the HKHA |

31. The Committee noted that Ms. Margaret Hsia had tendered her apologies for being unable to attend the meeting, and Dr. Greg C.Y. Wong and Messrs. Stanley Y.F. Wong, Walter K.L. Chan and Gary Cheung had refrained from joining the meeting. The Secretary pointed out that when both the Chairperson and Vice-chairman needed to declare interest for an item, according to the Town Planning Board's "Procedure and Practice", the Chairperson could continue to chair the meeting out of necessity. Members agreed that the Chairperson should stay and continue to chair the meeting according to the established practice.

#### Presentation and Question Sessions

32. Mr. Kelvin K.W. Chan, DPO/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public vehicle park (excluding container vehicle) for letting

the surplus car parking spaces of the subject estate to non-residents on a monthly basis;

- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of eight comments were received from the Kwun Tong District Council members and the Owners' Corporations of Amoy Garden during statutory the publication period. Most of them objected to the application for the reasons that the proposal might affect the development of the Cross District Community Cultural Centre (CDCCC) at the subject estate and would induce more traffic to the district. The relevant District Officer had received support from the Mutual Aid Committees of Blocks 10 and 14 of the subject estate; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper in that the proposal was only for a temporary conversion of the existing car park. It would not affect the future development of the planned CDCCC at the subject site. As there was no increase in the total number of car parking spaces, the proposal would not generate additional traffic. The Transport Department had no adverse comment on the application. Since similar applications involving other public housing estates within the same Outline Zoning Plan were approved on a temporary basis for a period of 3 years, it was appropriate to approve the subject application for 3 years so that the applicant could let the car parking spaces flexibly, while the parking demand of the residents could be reviewed regularly.

33. Members had no question on the application.

#### Deliberation Session

34. A Member said that he supported the application as there were currently insufficient public car parking spaces in the surrounding areas.

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.3.2010, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the proposed number of car parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) a temporary approval period of three years was granted so that the car parking spaces could be let to non-residents with flexibility, while the parking demand of the residents could be reviewed regularly;
- (b) in letting the surplus parking spaces, priority should be given to residents of the public housing estate; and
- (c) to explain the proposal to Kwun Tong District Council and residents of Amoy Garden.

[Dr. Greg C.Y. Wong, and Messrs. Stanley Y.F. Wong, Walter K.L. Chan and Gary Cheung returned to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K7/81 Proposed School (Tutorial School)  
in “Residential (Group B)” Zone,  
G/F, 294A Prince Edward Road West, Ho Man Tin  
(KIL 2097RP)  
(MPC Paper No. A/K7/81)
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#### Presentation and Question Sessions

37. Mr. Kelvin K.W. Chan, DPO/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed school (tutorial school);
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) the concerned Owners' Corporation, individual owners and tenants of the subject building, and a Kowloon City District Council member made a total of nine comments during the statutory publication periods for the application and the further information on the application. All of them objected to the proposal mainly on ground of incompatibility with the residential use of the subject building. Since the exits of the tutorial school were shared with the residents, there was grave concern on the possible disturbance, noise and security problems caused to the residents; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10.2 of the Paper. Unlike the previously approved applications in the area, the application premises was located in the inner part of the subject residential development, and could only be accessible through the common areas, including lobby, landscaped garden and common rear lane. The operation of the tutorial school might cause nuisances to the residents in the same building.

38. In response to Vice-chairman's questions, Mr. Kelvin K.W. Chan clarified that there were currently two other tutorial schools in the subject residential development. Both were located within the eastern block. The one on the ground floor had not obtained any planning permission while the one located on the first floor was approved by the Committee on 10.5.2002 under Application No. A/K7/48. Unlike the application premises, those two tutorial schools had direct access to La Salle Road. For Application No. A/K7/48, the Secretary supplemented that all concerned parties, including the relevant Government departments, Owners' Corporation and Kowloon City District Council members had no objection.

39. A Member asked whether cases exempted from registration under the Education

Ordinance (i.e. less than 20 students during any one day and less than 8 students at any one time) would still require planning permission under the Town Planning Ordinance (TPO). The Chairperson responded that the issue would be determined based on the facts of each case and the Notes of the relevant Outline Zoning Plan (OZP).

40. In response to a Member's question relating to possible illegal tutorial schools in the area, Mr. Kelvin K.W. Chan explained that there was no provision under the TPO for planning enforcement in the urban and new town areas. For the tutorial school on the ground floor of the eastern block which had not obtained any planning permission, the Secretary pointed out that there was insufficient information to determine whether the use was unauthorized or not as the tutorial school might be an "existing use" tolerated under the OZP. She continued to say that the Education and Manpower Bureau (EMB) had in recent years improved its practice by circulating all applications for registration of tutorial schools to the PlanD for comments. PlanD would examine each case to confirm whether planning permission was required. If required, EMB would not approve the registration application until planning permission was obtained.

#### Deliberation Session

41. Members agreed that the proposed tutorial school was not compatible with the residential use of the subject residential development as students had to access through the common areas of that development. This might bring nuisances to the residents.

42. A Member suggested that in assessing future applications for tutorial schools, a criterion similar to the Town Planning Board Guidelines on massage establishment and commercial bathhouse with respect to requiring separate access should be applicable. Another Member said that the traffic arrangement for the drop-off and pick-up of students was also a relevant factor which should be taken into account.

43. In response, another Member commented that such approach might have wide implications as it was not uncommon for composite buildings to have shared accesses used by the residents and other users. The Chairperson also said that the drop-off and pick-up arrangement might not be relevant in cases where the students mainly commute on foot or by public transport. As such, while separate access was a relevant consideration, each application had to be considered on its own merits.

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

- (a) there was no proposal in the application to demonstrate that the tutorial school would not impose nuisances to the existing residential premises within the same development and to address the concerns of the local residents on the security and nuisance problems that might be posed by the subject application; and
- (b) approval of the application would set an undesirable precedent for other similar applications for tutorial schools within the residential buildings in the area which had no separate access to the application premises from public roads.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K12/35 Proposed Two Houses (Village Houses)  
in “Government, Institution or Community” Zone,  
Lot 1636 (including SA and RP) in SD 2,  
57 Ngau Chi Wan Village, Kowloon  
(MPC Paper No. A/K12/35)
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Presentation and Question Sessions

45. Mr. Kelvin K.W. Chan, DPO/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (village houses);
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the District Lands Officer/Kowloon East who considered the proposed

development not acceptable from lease point of view as the proposed garden area exceeded the area permitted under the lease;

- (d) the President of Ngau Chi Wan Rural Committee made a comment to support the application during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12.1 of the Paper. The proposed development was not in line with the planning intention of “Government, Institution or Community” (“G/IC”) zone which was intended primarily for provision of Government, institution or community (GIC) facilities to serve the needs of local residents and/or a wider district, region or the territory. It also did not comply with the Town Planning Board (TPB) Guidelines No. 16 on development/redevelopment for non-GIC uses within “G/IC” zone as the subject site was still required for GIC purposes. The proposed piecemeal development would frustrate the comprehensive planning of the “G/IC” site.

[Mr. Anthony Loo left the meeting temporarily at this point.]

46. In response to two Members' questions, Mr. Kelvin K.W. Chan referred to paragraph 2 of the Paper and briefly explained the background of the case. The subject site fell within the northern part of the Ngau Chi Wan Village. In the 1980s, a Layout Plan for the Ngau Chi Wan Village was prepared, which incorporated the re-site for the southern part of the village for the construction of the Mass Transit Railway (MTR) Choi Hung Station and provided a planning framework for the northern part of the village with a view to improving the environmental conditions. The then Wong Tai Sin District Board (WTSDB) and the local communities were consulted, and they considered the land use proposals on the Layout Plan acceptable. The proposals were subsequently incorporated into the Ngau Chi Wan Outline Development Plan (ODP) within which the subject site was partly designated for a community hall and partly reserved for an open public vehicle park. In 1990, the proposals on the ODP were incorporated into the Ngau Chi Wan Outline Zoning Plan (OZP), and the sites for the proposed community hall and public vehicle park were rezoned from “Village Type Development” to “G/IC. Prior to the gazetting of the draft OZP, the then WTSDB, Ngau Tsuen Area Committee, Ngau Chi Wan Rural Committee and local communities were consulted and they indicated no objection to such rezoning proposals. The majority of land

owners and tenants even indicated their support to the proposals at that time.

47. With regard to the possibility of exchanging another site with the applicant for the development village houses, Mr. Gary Cheung said that according to the established land policy, the Lands Department would not consider any land exchange for land held under Block Government Lease in the urban areas. If the implementation of any GIC project would affect such kind of land, the Government would resume the land and compensate the affected owners. A Member asked whether there was any other vacant land in the area which allowed eligible villagers to build village houses. Both Mr. Kelvin K.W. Chan and Mr. Gary Cheung replied that they had no such information at hand.

48. Members noted that the subject site had been reserved for GIC and car parking uses for more than 20 years. In response to a Member's question, Mr. Kelvin K.W. Chan confirmed that while the Government currently had no programme to implement the planned GIC and parking uses, the demand for community halls in the whole territory was under regular reviews. In the last review, the subject site was still kept as one of the reserved sites. In addition, there was a shortage of indoor recreation centre and facilities for the elderly in the Ngau Chi Wan area.

[Mr. Anthony Loo returned to the meeting at this point.]

#### Deliberation Session

49. A Member noted that the consultation of the Layout Plan was made in the 1980s, but the MTR Kwun Tong Line was opened in 1979. In response, the Secretary made the following points to supplement the background of the case :

- (a) the Layout Plan for the southern part of the Ngau Chi Wan Village was actually prepared and adopted in the 1970s for the re-site of the village affected by the construction of the MTR Choi Hung Station; and
- (b) the Government subsequently decided to extend the boundary of the Layout Plan to cover the northern part of the village. The revised Layout Plan was prepared in the 1980s, and the subject site which fell within the northern part of the village fell within an area designated for a

neighbourhood centre and a public vehicle park. The revised Layout Plan was first submitted to the then WTSDDB for consultation in 1986.

50. Some Members considered that the application could not be approved as it would adversely affect the future planning of the “G/IC” site. They also had doubt on whether the proposed village type development was appropriate in the urban area, noting in particular that the proposed village houses would still rely on the use of septic tanks. A similar application and a previous application were rejected in 1994 and 2000 respectively, and there was no change of planning circumstances to justify any deviation from these decisions.

51. A few Members were sympathetic towards the applicant as the subject “G/IC” zoning had affected his development right for more than 20 years, and the Government had no definite programme of implementation of the planned GIC and parking uses. The Chairperson said that in dealing with such cases, there was an administrative mechanism under which the affected land owners could request the Government to resume their land zoned for public purpose, after exhausting the planning application and appeal procedures. However, the mechanism had not been used for years.

52. The Chairperson went on to say that in drawing up planning proposals, there might be cases that the interest of an individual being affected by a land use zoning on the OZP such as imposition of development restrictions. A proper balance had to be struck between the public and private interests, taking all the relevant considerations into account.

53. In view of the long history of the “G/IC” zoning, the absence of a definite programme to implement community hall, and the already completed residential and commercial developments in the surrounding areas, Members agreed that there was a need to review the subject “G/IC” zone. A Member suggested that the review should also address the problem of vehicular access to the Ngau Chi Wan Market identified previously when considering a planning application (No. A/12/34) for a proposed residential development on the “Comprehensive Development Area” site to the east. Other Members agreed.

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

- (a) the proposed house development was not in line with the planning intention

of “Government, Institution or Community” (“G/IC”) zone which was intended primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the residents in the district, and it would frustrate the planning and development of the designated community hall and public vehicle park uses;

- (b) the proposed development did not comply with the Town Planning Board Guidelines for “Application for Development/Redevelopment within “G/IC” Zone for Uses Other Than GIC Uses” in that the subject site was still required for its designated GIC uses, and the proposed development would adversely affect the provision of GIC facilities in the area in long term; and
- (c) approval of the application would set an undesirable precedent for other similar applications in the area.

[Professor N.K. Leung, and Messrs. Felix W. Fong and K.Y. Leung left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (v)           A/K13/217           Proposed Minor Relaxation of  
Building Height Restriction for Permitted Development  
(including Office and Shop and Services (Retail))  
from 170mPD to 173mPD  
in “Other Specified Uses” annotated “Business 1” Zone,  
Junction of Sheung Yee Road, Wang Tai Road  
and Wang Mau Street, Kowloon Bay  
(NKIL 6280)  
(MPC Paper No. A/K13/217)
- 

55.           The application was submitted by the Pioneer Crest Limited which as a subsidiary of the Manhattan Holdings Limited (MHL). Members noted that Dr. Greg C.Y. Wong had previous business dealings with the MHL more than three years before and the dealings were not related to the subject site. According to the Town Planning Board

Practice and Procedure, Dr. Wong could be allowed to stay at the meeting.

[Professor N.K. Leung and Mr. Felix W. Fong returned to join the meeting at this point.]

### Presentation and Question Sessions

56. Mr. Kelvin K.W. Chan, DPO/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction for a permitted development (including office and shop and services (retail)) from 170mPD to 173mPD;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the Lands Department (LandsD) and the Buildings Department (BD). LandsD had a concern about the proposed typical floor height while BD indicated that a re-planning of the layout of the subject building might reduce the height of the subject building;
- (d) a total of two public comments were received during the statutory publication periods for the application and the further information on the application. Both objected to the application for the reasons that the applicant had provided insufficient justifications for the proposed minor relaxation, and the proposal would affect the comprehensive planning of the whole district; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.3 of the Paper in that the proposal to accommodate a one-storey sky garden was in line with the Joint Practice Notes (JPN) No. 1 and 2 on green innovative buildings. It would enhance the visual quality of the building facade and improve the natural ventilation of the subject building. No adverse impact on the

surrounding areas was expected.

[Dr. Daniel B.M. To left the meeting temporarily at this point.]

57. In response to some Members' questions, Mr. Kelvin K.W. Chan made the following points :

- (a) from fire safety point of view, any non-domestic building exceeding 25 storeys was required to provide one refuge floor. The subject office building had a total of 42 storeys, including a basement and a refuge floor;
- (b) according to the JPN No. 1 and 2, sky garden was a green feature which could be exempted from gross floor area calculation, subject to certain conditions and design criteria such as a minimum clear height of 4.5m. For the subject building, the overall height of the proposed sky garden cum refuge floor was 6m, with a clear height was 4.5m. The extra 1.5m was mainly for the provision of mechanical and electrical services;
- (c) according to the BD's comments, the subject application might not be required if the applicant re-planned the layout of the subject building by increasing the size of its floor-plate and site coverage;
- (d) the minimum floor-to-ceiling height for office as stipulated in the Building (Planning) Regulation (B(P)R) was 2.5m, while the typical floor-to-floor height the commercial development opposite to the subject site was 3.8m. The proposed floor-to-floor heights of the subject building ranged from 3.975m to 4m, with a floor-to-ceiling height of 2.9m. The applicant stated that these were the minimum standards for a Grade A office building; and
- (e) after submitting the application, the applicant had provided further justifications to address the technical comments raised by concerned Government departments. In respect of the floor-to-floor height, the applicant explained the height of the podium car park levels was dictated by the height and design of an adjacent Liquefied Petroleum Gas Vehicle Repair Workshop (LPGVWR), which was required under the lease. The

proposed floor-to-floor height of the LPGVRW was considered as the minimum operational requirements, taking into account that the requirement for connection to the car parking floors of the subject building at the same levels so as to provide alternative means for accessing the workshop in case that the car lift was not operative. In respect of site coverage, the applicant stated that any further increase in the depth of the floor-plate was not possible as the proposed depth had already reached the maximum B(P)R limit on the travel distance of the fire escape routes. Moreover, further increase in the depth would require artificial lighting during the daytime for the office areas far from the windows. It would also result in a deeper beam and therefore slightly increase the floor-to-floor height.

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

#### Deliberation Session

58. A Member did not support the application as the proposed floor-to-floor heights for the subject building were at the upper end of a typical office floor. Also, it might be feasible to reduce the overall height of the building through a re-planning of its layout. Another Member noted that approval of such application for minor relaxation of building height restriction was at the Committee's discretion, provided that there were strong justifications. For the subject case, the justifications might not be sufficient. Referring to paragraph 4.3 of the Paper, the Secretary pointed out that one of the relevant criteria of consideration as set out in the Explanatory Statement of the concerned Outline Zoning Plan (OZP) was that the proposed relaxation was to achieve green design or other design merits.

[Mr. K.Y. Leung returned to join the meeting at this point.]

59. Referring to Drawing A-25 of the Paper, a Member noted that the proposal would result in same height as the adjacent buildings which might not be satisfactory from visual point of view. Mr. Kelvin K.W. Chan explained that based on the findings and recommendations of the "Study on Building Height Restrictions for Kowloon Bay and Kwun Tong Business Area", some building height restrictions in the Kowloon Bay Business Area (KBBA) were incorporated into various zones of the concerned OZP. As shown in Plan A-1 of the Paper, there were in general three height bands in the KBBA at 120mPD, 140mPD and

170mPD, which would achieve building height variations. The subject site was one of the four sites under the restriction of 170mPD. In response to the Chairperson's enquiry, Mr. Chan said that the 170mPD building height restriction had been included as the lease conditions for the subject site. Mr. Gary Cheung reiterated the comments of the District Lands Officer/Kowloon East on the further information submitted by the applicant and did not support the application.

60. The Secretary, in replying to two Members' questions, pointed out that in addition to the refuge floor, the applicant could include two sky gardens in the subject building under the JPN No. 2. The current scheme was to have one sky garden to be combined with the refuge floor. The floor height of that storey was proposed to be 6m, resulting in an overall building height of 173mPD which exceeded the restriction by 3m. The applicant had also shown efforts to reduce the height of the sky garden cum refuge floor as far as possible. Should the application be rejected, the applicant might develop the building up to 170mPD with a refuge floor but without any sky garden. The crux of the matter was whether Members would agree to relax the building height restriction by 3m for a sky garden which was a green feature the Town Planning Board would like to promote, noting that the visual impact of the resultant building, with regard to the cityscape in the area, would not be significant.

61. Noting that the incorporation of a sky garden into the refuge floor would enhance the visual quality of the building façade and provide more greenery to the cityscape, and the proposed typical floor-to-ceiling height was only 2.9m, a majority of the Members considered that the application could be approved.

62. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.3.2011, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) 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.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for the lease modification to permit the minor relaxation on building height; and
- (b) design measures should be adopted to minimize the “exposed” planter wall in the sky garden as far as possible in order to reduce the exposed hardworks in the planting area and to create a pleasant green setting.

[Dr. Greg C.Y. Wong, Mr. Felix W. Fong and Ms. Starry W.K. Lee left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

(vi)           A/K14/525           Proposed Shop and Services (Bank/Fast Food Shop/  
Local Provisions Store/Electrical Shop)  
in “Other Specified Uses” annotated “Business” Zone,  
Portion of Workshop Units 1 and 2, G/F,  
11-13 Shing Yip Street, Kwun Tong  
(MPC Paper No. A/K14/525)

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(vii)          A/K14/526           Proposed Shop and Services  
in “Other Specified Uses” annotated “Business” Zone,  
Portion of Workshop Units 1 and 2, G/F,  
11-13 Shing Yip Street, Kwun Tong  
(MPC Paper No. A/K14/526)

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(viii)         A/K14/527           Proposed Shop and Services  
in “Other Specified Uses” annotated “Business” zone,  
Portion of Workshop Units 1 and 2, G/F,  
11-13 Shing Yip Street, Kwun Tong  
(MPC Paper No. A/K14/527)

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- (ix) A/K14/528 Proposed Shop and Services  
in “Other Specified Uses” annotated “Business” Zone,  
Portion of Workshop Units 1 and 2, G/F,  
11-13 Shing Yip Street, Kwun Tong  
(MPC Paper No. A/K14/528)
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- (x) A/K14/529 Proposed Shop and Services  
in “Other Specified Uses” annotated “Business” Zone,  
Portion of Workshop Units 1 and 2, G/F,  
11-13 Shing Yip Street, Kwun Tong  
(MPC Paper No. A/K14/529)
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#### Presentation and Question Sessions

64. Noting that Applications No. A/K14/525 to A/K14/529 were submitted by the same applicant and were similar in nature, the Committee agreed to consider the five applications together.

65. Miss Helen L.M. So, STP/K, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed shop and services (bank/fast food shop/local provisions store/electrical shop) for Application No. A/K5/525, and the proposed shop and services for Applications No. A/K14/526 to 529;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on all the applications, except for the Fire Services Department (FSD) on Applications No. A/K14/526 to 529. FSD considered the four applications not acceptable from fire safety point of view since no means of escape separated from the industrial portion was available. In addition, the application premises were mixed with the remaining industrial portion of the subject building;

- (d) one public comment was received during the statutory publication period for Application No. A/K14/526, and two public comments were received during the statutory publication periods for Applications No. A/K14/525 and 527 to 529. All supported the applications; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to Application No. A/K14/525 for the reasons as detailed in paragraph 11.1 of the relevant Paper. However, Applications No. A/K14/526 to 529 were not supported for the reasons as detailed in paragraph 11.1 of the relevant Papers in that they were not acceptable from fire safety point of view.

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

66. Members had no question on the applications.

#### Deliberation Session

67. After deliberation, the Committee decided to approve Application No. A/K14/525, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.3.2009, 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 fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above conditions of approval 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.

68. The Committee also agreed to advise the applicant of Application No. A/K14/525 the following :

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a

temporary waiver for the proposed shop and services (bank/fast food shop/local provisions store/electrical shop) use under application;

- (b) 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 and design in accordance with the 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) exercise extreme care when working in the vicinity of the existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the drainage works due to works to the proposed development should be made good at the applicant's own cost and to the satisfaction of the Director of Drainage Services; and
- (d) the operation of fast food shop requires a valid food factory licence issued by the Food and Environmental Hygiene Department.

69. After deliberation, the Committee decided to reject Applications No. A/K14/526 to 529 and the reason was that the applications were not acceptable from fire safety point of view.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/K14/530 Proposed Shop and Services  
in "Other Specified Uses" annotated "Business" Zone,  
Portion of Unit No. 4, G/F,  
Shing Yip Industrial Building,  
19-21 Shing Yip Street, Kwun Tong  
(MPC Paper No. A/K14/530)
- 

Presentation and Question Sessions

70. 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;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) two public comments were received during the statutory publication period. Both supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper.

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

71. Members had no question on the application.

#### Deliberation Session

72. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.3.2009, 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 fire safety measures, including the provision of a means of escape separated from the industrial portion of the application building and fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above condition of approval 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.

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

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the shop and services use under application;
- (b) 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 the Code of Practice for Fire Resisting Construction and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72;
- (c) exercise extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to the applicant's activities in the area should be made good at the applicant's own cost to the satisfaction of the Director of Drainage Services; and
- (d) the operation of fast food shop requires a food licence issued by the Food and Environmental Hygiene Department (FEHD). The type of food permit/licence issued by FEHD for the operation of supermarket depends on the type of products to be sold.

[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.]

[Professor N.K. Leung and Mr. Stanley Y.F. Wong left the meeting at this point. Messrs. Nelson W.Y. Chan, Walter K.L. Chan and Raymond Y.M. Chan left the meeting temporarily at this point. Dr. Daniel B.M. To returned to join 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.]

**Agenda Item 5**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/HK/3                           Renewal of Planning Approval for  
Temporary ‘Public Vehicle Park  
(excluding Container Vehicle)’ Use  
under Application No. A/HK/1 for a Period of 3 Years  
from 27.3.2007 up to 26.3.2010  
in “Residential (Group A)” Zone,  
Model Housing Estate, Hong Tung Estate,  
Hing Wah (II) Estate, Tsui Lok Estate, Yue Wan Estate,  
Yuet Chui Court and Shan Tsui Court, Hong Kong  
(MPC Paper No. A/HK/3)
- 

74.           The Secretary said that as the subject application was made by the Housing Department on behalf of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item :

- |   |  |
|---|--|
| Mrs. Ava S.Y. Ng<br>as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) of the HKHA |
| Dr. Greg C.Y. Wong                              | - having current business dealing with the Housing Department          |
| Mr. Stanley Y.F. Wong                           | - being a member of the HKHA   |
| Mr. Walter K.L. Chan                            | - being a member of the HKHA   |

- |  |  |
|--|--|
| Mr. Gary Cheung<br>as the Assistant Director of<br>Lands Department          | - being an assistant to the Director of Lands<br>who was a member of the HKHA  |
| Ms. Margaret Hsia<br>as the Assistant Director of<br>Home Affairs Department | - being an assistant to the Director of Home<br>Affairs who was a member of the SPC and<br>the Subsidised Housing Committee of the<br>HKHA |

75. The Committee noted that Ms. Margaret Hsia had tendered her apologies for being unable to attend the meeting, Mr. Stanley Y.F. Wong had already left the meeting, and Dr. Greg C.Y. Wong and Mr. Walter K.L. Chan had refrained from joining the meeting. The Secretary pointed out that when both the Chairperson and Vice-chairman needed to declare interest for an item, according to the Town Planning Board's "Procedure and Practice", the Chairperson could continue to chair the meeting out of necessity. Members agreed that the Chairperson should stay and continue to chair the meeting according to the established practice.

[While Mr. Gary Cheung left the meeting temporarily, Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

#### Presentation and Question Sessions

76. 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 renewal of planning approval for temporary public vehicle park (excluding container vehicle) use under Application No. A/HK/1 for letting the surplus car parking spaces of the seven subject estates/courts to non-residents on a monthly basis for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of 54 public comments were received during the statutory

publication period. 45 of them had objections to or grave concerns about the application, among which 37 were related to Yuet Chui Court. The major objection reasons/concerns were the possible impacts on security and management, traffic and environmental aspects of the subject estates/courts; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper in that the letting of surplus car parking spaces to non-residents was already the current arrangement of the seven subject estates/courts. The proposal would unlikely create any adverse impacts on traffic and environmental aspects. Both the Transport Department and Environmental Protection Department had no objection to the application. As regards the aspect of security and management, the applicant had explained that the entrances at Yuet Chui Court to the car park and the residential block were separated, and security guards were on 24-hour duty at each entrance of the residential block.

[Mr. Nelson W.Y. Chan returned to join the meeting at this point.]

77. In response to a Member's question, Ms. Christine K.C. Tse, DPO/HK, referred to the table under paragraph 1.4 of the Paper and said that the surplus of car parking spaces in Yuet Chui Court was 22%. Priority would be given to residents in renting the car parking spaces.

#### Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 27.3.2007 to 26.3.2010, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the proposed number of car parking spaces should be let to non-residents to be agreed with the Commissioner for Transport.

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

- (a) a temporary approval period of 3 years was granted so that the vacant car

parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed;

- (b) to explain the proposal to the residents of the public housing estates and Home Ownership Scheme developments concerned and to liaise with the mutual aid committees/owners' corporation of the affected housing developments regarding the management and security aspects in letting the vacant parking spaces to non-residents;
- (c) in letting the vacant parking spaces, priority should be given to residents of the public housing estates and Home Ownership Scheme developments concerned;
- (d) to note the comments of the Assistant Commissioner for Transport/Urban, Transport Department that the "surplus" car parking spaces should be defined as the difference between the current provision and the current Hong Kong Planning Standards and Guidelines requirements and that letting of the parking spaces to non-residents should be on short-term basis;
- (e) to apply to the District Lands Officer/Hong Kong East, Lands Department for temporary waiver to permit the proposed uses at Model Housing Estate and Yuet Chui Court; and
- (f) to resolve any land issue relating to the development with other concerned owners of Yuet Chui Court and Shan Tsui Court.

[Messrs. Walter K.L. Chan and Gary Cheung returned to join the meeting at this point.]



pedestrian crossings and supporting transport facilities should be provided, and that the proposed complex should also include a community hall. The fourth public comment from the Western Harbour Tunnel Co. Ltd. (WHTCL) listed out the precautionary measures/requirements on non-interference with the tunnel structures and maintenance of right of access to the tunnel utilities. Similar suggestions as listed above were also received by the District Officer (Central and Western) (DO(C&W)). The Sub-Committee on Harbour Plan Review of the HEC was also consulted on the application. While the Sub-Committee had no objection to the location of the proposed swimming pool complex, there was concern expressed on the possible adverse visual impact and the scale of development. It was proposed that the complex be further set back to allow for a wider waterfront promenade; 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. The proposed facility would help to meet the recreational needs of the local residents and general public. There were no other suitable sites in the area. The proposed location had been carefully studied, taking into account site constraints and various engineering and environmental constraints. A sensitive architectural approach had been adopted to break up the mass of the building, with an open piazza, viewing terraces, roof gardens and glass foldable doors. The design would enhance its visual permeability to the harbour and adverse visual impact was unlikely. In view of the HEC's concern, the proposal had been revised to further setback the complex from the waterfront and a 27m-wide promenade was provided. The proposed development would not have adverse geotechnical, noise, air and traffic impacts on the surrounding areas. On the provision of pedestrian linkage and transport facilities, the Transport Department advised that the existing footbridge near Wilmer Street provided convenient access and that a new bus lay-by had already been constructed on Connaught Road West to facilitate public access. Regarding the provision of a community hall, the DO(C&W) advised that there were similar facilities in the vicinity. The applicant also agreed to consult WHTCL on the detailed design.

82. Members had no question on the application.

### Deliberation Session

83. A Member indicated support to the application, but was concerned that the proposed development would take up public space for viewing the harbour. In response, Ms. Christine K.C. Tse, DPO/HK referred Members to Drawing A-10 of the Paper. She said that public access would be allowed to the viewing platform and roof gardens provided within the swimming pool complex and the transparent building design would allow public view to the harbour.

84. Another Member opined that more active uses by the public should be allowed when designing the public open space around the proposed development, such as the jogging track found in the Victoria Park. The Chairperson said that the current application involved the proposed swimming pool complex only. However, Members' views on the design of the surrounding open space and public view to the harbour could be conveyed to concerned Government departments for consideration.

85. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.3.2011, 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 landscape master plan to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the provision of a drainage reserve within the application site near the Western Harbour Crossing Ventilation Building to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission of a sewerage impact assessment and implementation of the

sewerage improvement measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the Committee's views on public view to the harbour and design of the surrounding public open space to allow for more active uses;
- (b) to note the comments of the Director of Lands regarding the allocation of a new Government Land Allocation to cover the whole project and the handover arrangements;
- (c) to note the comments of the Director of Leisure & Cultural Services regarding the incorporation of the existing trees in the landscape design of the Sun Yat Sen Memorial Park (Phase II) project;
- (d) to note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue;
- (e) to note the comments of the Director of Lands on the need to consult the Western Harbour Tunnels Corporation Limited concerning the realignment of the access road serving the ventilation building;
- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department regarding roof-top greening; and
- (g) to note the comments of the Commissioner of Police regarding security measures and management arrangements to be adopted at the construction stage.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii)           A/H3/374                   Proposed Massage Establishment and Shop and Services (Beauty Parlour) in “Residential (Group A)” Zone, Shop No. 4, 3/F, 108 Hollywood Road, Sheung Wan  
(MPC Paper No. A/H3/374)
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Presentation and Question Sessions

87.           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 massage establishment and shop and services (beauty parlour) use;
- (c)   departmental comments – no objection from concerned Government departments was received;
- (d)   14 public comments, of which nine objected to the application, were received during the statutory publication period. The grounds of objection were mainly noise nuisance, law and order problem, incompatibility with the school use in the area and adverse impact on property value. The remaining public comments raised concerns that the proposed use should project a healthy image and that a swimming pool should be provided; 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 in that the proposed use was located within the non-domestic portion of a residential development with separate entrance. The nature of the proposed massage establishment was considered acceptable for the neighbourhood. Regarding the local objection, it was noted that the issues on noise and law and order would be monitored by relevant Government

departments. Nonetheless, in order to monitor the impact of the proposed use on the area, a shorter approval period of 3 years was recommended.

88. A Member referred to Drawing A-1 of the Paper and enquired the use of the flights of stairs within the application premises and parallel to Bridges Street. In response, Ms. Lily Y.M. Yam said that the short flights of steps showed the shop entrance from Bridges Street. The other flight of stairs within the application premises was connected to the fifth floor above.

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

### Deliberation Session

89. A Member expressed concern that commercial uses, including retail shop, bar and restaurant and garage uses, were commonly found within the lower floors of residential developments in many areas. They often brought adverse impacts on the local residents and environment. The incorporated owners (IO) of developments often raised objection to these applications. This Member enquired whether more stringent criteria should be adopted for consideration of such proposals. In response, the Chairperson said that the subject building was located in a “Residential (Group A)” zone. Certain kind of commercial uses, such as shop and services and eating place, were always permitted on the lowest three floors or the purpose-designed non-residential portion of an existing building. For other kinds of commercial uses, the Committee would usually give more sympathetic consideration if they were located within the commercial/non-domestic portion of developments with separate street access.

90. In response to another Member’s and the Chairperson’s enquiries on the existing use of the application premises and possible nuisances on the local residents, Ms. Christine K.C. Tse, DPO/HK, referred Members to Plan A-3 of the Paper and said that the application premises was currently vacant and under decoration. It was located within the non-domestic podium of a residential development, Centrestage. The main entrance to the application premises was on Bridges Street, while the residents of the Centrestage mainly accessed through the entrance on Hollywood Road. The proposed massage/spa services were considered to be not incompatible with the character of the neighbourhood where commercial uses were commonly found on the ground floor of residential buildings. Nevertheless, in

view of the local concerns, a shorter approval period of 3 years was recommended in order to monitor any possible nuisances brought by the proposed use.

91. In response to a Member's enquiry on the need for application, the Chairperson clarified that according to the Notes for the "Residential (Group A)" zone on the relevant Outline Zoning Plan, massage establishment was a Column 2 use and required planning permission.

92. The Chairperson continued to say that the size and nature of the massage establishment under the current application might be different from the sauna and massage parlours in commercial areas. With an entrance separated from the main access for the residents of the same development, the proposed use at the application premises was less likely to impose adverse impacts on the residents above.

93. A Member sought further clarification on the possible connection from the application premises to the floor above. In response, Ms. Christine K.C. Tse said that according to the floor plan No. GBP-07 in Appendix 1 of the Paper, the stairs led to the podium roof of the development on the fifth floor. There was no direct access to the residents' clubhouse on the same level. Another Member said that the IO of the development would unlikely allow such direct connection to the residents' facilities. This Member supported PlanD's recommendation to grant planning permission for a shorter period.

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note that a shorter approval period was granted in order to monitor the impact of the proposed use in the area;
- (b) to note the comments of the Commissioner of Police regarding submission of an application for a massage establishment licence upon approval of the

planning application; and

- (c) to resolve any land issues relating to the development with the concerned owners of the application premises.

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, and Ms. Lily Y.M. Yam, STP/HK, for their attendance to answer Members' enquiries. Ms. Tse and Ms. Yam left the meeting at this point.]

**Agenda Item 6**

**Any Other Business**

96. There being no other business, the meeting was closed at 12:35 p.m..