

TOWN PLANNING BOARD

Minutes of 351st Meeting of the Metro Planning Committee held at 9:00 a.m. on 8.6.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Andy Yau

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

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

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

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Mr. Stanley Y.F. Wong

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 350th MPC Meeting held on 25.5.2007

[Open Meeting]

1. Mr. James Merritt proposed and Members agreed that the words 'according to priority' in the last line of paragraph 12 of the draft minutes be deleted.
2. The draft minutes of the 350th MPC meeting held on 25.5.2007 were confirmed subject to the amendment as stated in paragraph 1.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Approval of Outline Zoning Plans

3. The Secretary reported that on 5.6.2007, the Chief Executive in Council (CE in C) approved the following two draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance), and notification of this approval in the Gazette would follow on 15.6.2007 :

- (a) Sha Tin OZP (to be renumbered S/ST/23)
- (b) Lamma Island OZP (to be renumbered S/I-LI/9)

(b) Reference Back of OZPs

4. The Secretary reported that on 5.6.2007, the CE in C referred the following two approved OZPs to the Town Planning Board (TPB) for amendment under section 12(1)(b)(ii) of the Ordinance, and notification of this reference back in the Gazette would follow on 15.6.2007 :

- (a) Kwun Tong South OZP No. S/K14S/14
- (b) Kwai Chung OZP No. S/KC/21

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Miss Erica S.M. Wong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Remarks

5. The Chairperson said that Agenda Item 3 would not be open for public viewing as the proposed amendments to the Outline Zoning Plan (OZP) was processed under the pre-amended Town Planning Ordinance.

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K5/634 Temporary Shop and Services (Ancillary Showroom for Garments, Shoes and Accessories) for a Period of 3 Years in “Other Specified Uses” annotated “Business” zone, Workshops B5(Portion), B6(Portion), B7(Portion), B8(Portion), B9(Portion), B10(Portion), B12(Portion), and B13(Portion), 1/F, Block B, Hong Kong Industrial Centre, 489-491 Castle Peak Road, Cheung Sha Wan (MPC Paper No. A/K5/634)
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Presentation and Question Sessions

6. Miss Erica S.M. Wong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application and the proposed revision to the previously rejected scheme (application No. A/K5/621). According to the applicants, the ancillary showroom use under application was ancillary to Trinity Commerce Limited (TCL) which owned workshops, offices and storage spaces within the Hong Kong Industrial Centre, the building in which the application premises were located. The application premises would be sub-divided into 95 units. However, recent site inspection by PlanD revealed that the ancillary showrooms had currently been sub-divided into 122 units;
- (b) temporary shop and services (ancillary showroom for garments, shoes and accessories) use for a period of 3 years;
- (c) departmental comments – Lands Department (LandsD) advised that the use under application was in breach of the lease conditions and was not acceptable under the lease;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper. It was pointed out that the applicants had not properly substantiated the genuine need of sub-dividing the application premises into 122 units. During a recent site inspection by PlanD, some units had been used as wholesale centres/retail shops for garment and shoes. Although the applicants claimed that it was TCL's commercial and marketing strategy to label the products in various brands, there was insufficient information in the submission to demonstrate that all the 122 sub-divided units at the application premises were used collectively as a genuine ancillary showroom relating to the industrial firm i.e. TCL in the same building or same premises. Furthermore, as compared with the previously rejected scheme (i.e. A/K5/621), the applicants had just excluded portions of the units forming the internal corridors from the area calculation, and there was

no material change in planning circumstances. Also, it was found out in the site inspection by PlanD that most of the workshop units indicated by the applicants to be the main industrial business of the ancillary showrooms were either vacant or divided into small rooms, some of which are used as storerooms. As such, there was insufficient information in the submission to demonstrate that the showrooms were directly ancillary to the industrial firms in the same building.

7. Members raised the following questions :

- (a) any change in the operation of the application premises since the rejection of previous application;
- (b) whether there were any guidelines to help demonstrate that the showroom was genuine ancillary to an industrial firm; and
- (c) what was the evidence in proving the existence of retail activities.

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

- (a) the subject premises was closely monitored by PlanD since rejection of the previous application by the Committee in December 2006. During a recent site inspection, the application premises were sub-divided into small retail shops and the situations remained unchanged;
- (b) there were Town Planning Board Guidelines setting out the general requirements of ‘ancillary showroom’;
- (c) according to the Notes for the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone, a showroom, except those on the ground floor, should be an ancillary showroom which should be related to an industrial firm in the same premises or the same building. Ancillary showroom with total usable floor area up to 20% of the main industrial firm would be permitted. However, ancillary showroom with area more than 20% would

require planning permission from the Town Planning Board; and

- (d) the onus of proof was on the applicant to demonstrate that the showroom was genuinely ancillary to an industrial firm. As stated in paragraph 4.1 of the Appendix Ia of the Paper, the applicant indicated that there was no direct purchase in the application premises. However, during recent site inspection by PlanD, direct purchase of goods was detected.

Deliberation Session

9. In response to a Member's enquiry, the Chairperson explained that the issues on surplus industrial land/premises had been previously discussed by the Town Planning Board (TPB) on several occasions. At the direction of the TPB, PlanD had undertaken regular review of industrial land. Nevertheless, due to problems like fire safety requirements and the premium associated with lease modifications, the process of conversion of industrial buildings to other uses such as business use was rather slow. Notwithstanding this, PlanD would continue to monitor and review the requirements of industrial land.

10. The Secretary supplemented that in order to cater for the changing needs of the industrial and business sectors, PlanD had been carrying out reviews of the "Industrial" zone since 1990. Subsequent to the reviews, industrial-office (I-O) buildings were allowed to be developed within "Industrial" zone, surplus industrial land was rezoned to "OU(Business)", and 'Information Technology and Telecommunication Industries' use and industrial-related uses were also added to the "Industrial" zone to allow greater flexibility of use. However, owing to fire safety concern raised by Fire Services Department, the conversion of existing industrial buildings to commercial use had to be treated cautiously.

11. Some Members did not support the application as the application premises which was sub-divided into small retail shops could not be considered as a genuine ancillary showroom to an industrial firm and was contrary to the requirement set out in the Notes of the relevant Outline Zoning Plan.

12. A Member asked the origin of 20% ancillary showroom yardstick and the enforcement action taken since the rejection of previous application.

13. In reply, the Secretary explained that the figure of 20% had long been adopted by the LandsD and was confirmed in a court case regarding the interpretation of 'industrial use'.

14. In respect of lease enforcement, Mr. James Merritt said that the use under application was in breach of the lease conditions and there were similar cases found in Kwun Tong and Kowloon Bay. Since the rejection of previous application, the applicant might have been penalized for continued use of the application premises for the subject use. Should the application be rejected by the Committee, further lease enforcement action would be taken. Mr. James Merritt added that some of the use in the application site might also be in breach of the fire services or safety requirements and the Buildings Ordinance. The Chairperson said that concerted action from concerned departments would be necessary to stop the illegal use of the application premises.

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

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

- (a) there was insufficient information in the submission to demonstrate that the premises would be used as a genuine ancillary showroom to an industrial firm in the same premises or same building;
- (b) the scale of the ancillary showrooms under application was considered excessive. There was insufficient information in the submission to justify the scale of the ancillary showrooms; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the "Other Specified Uses" annotated "Business" zone.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K5/637 Shop and Services (Retail Shop)
in “Other Specified Uses” annotated “Business” zone,
Workshop B (portion), G/F, V Ga Building,
532 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/637)
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Presentation and Question Sessions

16. Miss Erica S.M. Wong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) shop and services (retail shop) use;
- (c) departmental comments – no objection from concerned Government departments (including Transport Department (TD), Environmental Protection Department (EPD), Fire Services Department (FSD) and Building Department) was received;
- (d) one public comment was received during the statutory publication period, raising concern on possible adverse impacts on the hygienic condition, fire safety and pedestrian circulation of the local area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper. Regarding the local concern on possible adverse impacts on the hygienic condition, fire safety and pedestrian circulation of the local area, concerned Government departments (including TD, EPD, FSD, Food and Environmental Hygiene Department and the District Officer (Sham Shui Po)) had no objection to or no adverse comments on the application. It was recommended to add an advisory clause that no temporary storage of goods on the pavement adjoining the premises was included in the

approval.

17. Members had no question on the application.

Deliberation Session

18. The Chairperson remarked that the application complied with relevant Town Planning Board Guidelines.

19. 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 was subject to the following conditions :

- (a) the submission and implementation of fire services installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.12.2007; 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.

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

- (a) consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of building plans in respect of separation of the application premises with different usage by proper fire resisting construction; design and provision of means of escape; provision of access and facilities for persons with a disability and sanitary fitments; and
- (b) note that temporary storage of goods on the pavement adjoining the premises or fire escape exit of adjoining buildings was not allowed.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K20/100 Renewal of Planning Approval
for Temporary Golf Driving Range and
Proposed Temporary Golf Academy
for a Period of 28 Months (i.e. up to 31.10.2009)
in “Comprehensive Development Area” zone and
an area shown as ‘Road’,
8 Wui Cheung Road, West Kowloon Reclamation
(MPC Paper No. A/K20/100)
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21. In response to a Member’s enquiry, the Secretary clarified that according to the guidelines for the declaration of interests, if a Board Member was only an ordinary member of the City Golf Club, his or her interest should be regarded as remote and indirect, and he or she could be allowed to stay in the meeting and participate in the deliberation of the application. However, if the Member was a member of the Board of Director or an executive member of the City Golf Club, he or she should declare an interest and withdraw from the meeting.

Presentation and Question Sessions

22. Miss Erica S.M. Wong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary golf driving range and proposed temporary golf academy under application No. A/K20/94 for a period of 28 months (i.e. up to 31.10.2009);
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) two public comments were received during the statutory publication period, of which one supported while another had no objection to the application

provided that the golf driving range would not cause noise nuisance to the nearby residents; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper. Regarding the local concern, it was noted that since the operation of the golf driving range in April 1999, the Environmental Protection Department had received no complaints from the surrounding residential/commercial developments and thus had no objection to the application.

23. Members had no question on the application.

Deliberation Session

24. While noting that the adjoining “Comprehensive Development Area” (“CDA”) site, i.e. the Airport Railway Kowloon Station, had been built with high-density and very tall developments, a Member raised concern on similar developments on the subject “CDA” site in future. The Chairperson replied that according to the current Outline Zoning Plan, the plot ratios for subject “CDA” site were 6.5 (domestic) and 1.5 (non-domestic) which were similar to those of the nearby “CDA” sites.

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period up to 31.10.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of fire services installations within the six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.12.2007; and
- (b) if the above planning condition (a) 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.

26. The Committee also agreed to advise the applicant to seek advice from the

relevant authorities such as Hong Kong Professional Golfers' Association and the Hong Kong Golf Association in designing, building, managing and developing the academy in particular appropriate ancillary facilities for children, disabled persons and students.

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK, and Miss Erica S.M. Wong, STP/TWK, for their attendance to answer Members' enquiries. Ms. Chan and Miss Wong left the meeting at this point.]

Kowloon District

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K9/2 Application for Amendment to the
Draft Hung Hom Outline Zoning Plan No. S/K9/19
from "Residential (Group A)" to "Commercial",
83 Wuhu Street, Hung Hom
(MPC Paper No. Y/K9/2)

Presentation and Question Sessions

27. The Committee noted that the applicant had requested on 25.5.2007 for deferment of the consideration of the application to allow time to address the comments from relevant Government departments on the rezoning proposal.

Deliberation Session

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

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

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K7/83 School (Tutorial School)
 in “Residential (Group B)” zone,
 G/F, 294A Prince Edward Road West,
 Ho Man Tin (KIL 2097RP)
 (MPC Paper No. A/K7/83)
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Presentation and Question Sessions

29. Mr. C.C. Lau, STP/K, drew Members’ attention to the applicant’s further information on the application via two letters of 3.6.2007 from the applicant and the Cheerbond Limited, the owner of the application premises, tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, proposed revision to the previously rejected scheme (application No. A/K7/81) to address the Committee’s concern that the subject tutorial school shared the common areas of the development which might cause nuisances to the residents;
- (b) the proposed school (tutorial school) use;
- (c) departmental comments – no objection from concerned Government departments was received. However, Buildings Department advised that

the communal rear lane proposed as main access to the tutorial school in the current scheme could be used by residents on the upper floors and/or those on G/F;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 10.2 of the Paper, in that the main access to the tutorial school via the communal rear lane would also be used by the residents within the same development, which might cause nuisances to the residents and hence the previous Committee's concern had not been addressed. As compared with the previously rejected scheme (i.e. A/K7/81), the number of classrooms increased from 3 to 4 and the maximum capacity of the tutorial school increased from 50 to 60 persons. Therefore, more students and teachers/staff in the current scheme would share the common access than those in the previous scheme, which might aggravate the nuisances to the existing residential premises within the same development.

30. Referring to one of the letters tabled at the meeting, the Chairperson sought clarification on whether Cheerbond Limited owned only part of the subject building. Mr. C.C. Lau replied that there were totally 12 units in the subject building and Cheerbond Limited owned only six units (including the application premises).

31. In response to a Member's enquiry on the views of the Owners' Corporation, Mr. Eric C.K. Yue, DPO/K, said that in the previous application (No. A/K7/81), the Owners' Corporation of the subject development had raised objection to the proposal. Nevertheless, no comment was received from the Owners' Corporation in the current application.

Deliberation Session

32. Members expressed the following views :

- (a) the subject tutorial school sharing the common access of the development might cause nuisances to the residents;
- (b) residents of the development could change. Although no public comment was received from the Owners' Corporation, the shared use of the common areas with the tutorial school and the residents might cause nuisances to and objected by the future residents;
- (c) whether the communal rear lane would actually be used by the tutorial school as its main access was in doubt; and
- (d) approval of the application would set an undesirable precedent for other similar applications.

33. The Chairperson remarked that according to the past practices, tutorial school should have direct and separate access to public roads in order not to cause nuisances to residents of the same development.

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

- (a) there was insufficient information in the application to demonstrate that the tutorial school would not impose nuisances to the existing residential premises within the same development; and
- (b) approval of the application would set an undesirable precedent for other similar applications for tutorial schools within residential building in the area which had no separate access to the application premises from public roads.

Deliberation Session

37. 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 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including provision of a means of escape separating the subject premises from the industrial portion and fire services installations in the subject premises, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 8.12.2007; 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.

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

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (b) appoint an Authorised Person to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular, the fire resisting construction and the provision of access and facilities for persons with disability under Building (Planning) Regulation 72;
- (c) exercise proper care when working in the vicinity of drains and sewers and not to disturb, interfere with or damage the drains and sewers. Any damage caused would have to be made good at his/her own cost to the satisfaction of the Director of Drainage Services;
- (d) strictly follow regulatory restrictions when loading/unloading activities take place to avoid interfering with the main stream traffic in particular when they were under the cumulative effects of nearby roadside activities;

and

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

[The Chairperson thanked Mr. Eric C.K. Yue, DPO/K, and Mr. C.C. Lau, STP/K, for their attendance to answer Members' enquiries. Messrs. Yue and Lau left the meeting at this point.]

[A short break of 5 minutes was taken.]

Hong Kong District

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

Agenda Item 7

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H4/2 Application for Amendment to the
Central District Outline Zoning Plan No. S/H4/12
from an area shown as "Road" to "Government, Institution or Community"
zone with 'Religious Institution' under Column 1 of the Notes;
or "Other Specified Uses" annotated "Synagogue and Open Space for
Public Use" zone with 'Religious Institution' under Column 2 of the Notes;
or "Open Space" zone with 'Religious Institution'
under Column 2 of the Notes, Land between Cotton Tree Drive
and Kennedy Road Peak Tram Station, Central
(MPC Paper No. Y/H4/2)

Presentation and Question Sessions

39. The Committee noted that the applicant had requested on 8.5.2007 for deferment of the consideration of the application to allow time for the applicant to conduct consultation with the local residents, District Council members and relevant Government Departments to workout a revised scheme.

Deliberation Session

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

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H5/359 Proposed Commercial Bathhouse and
Massage Establishment
in “Commercial/Residential” zone,
G/F, 1/F and 2/F, Kwan Chart Tower,
6 Tonnochy Road, Wan Chai
(MPC Paper No. A/H5/359)
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[Mr. Andy Yau returned to join the meeting at this point.]

Presentation and Question Sessions

41. Mr. Tom C.K. Yip, STP/HK, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed commercial bathhouse and massage establishment use;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) one public comment was received during the statutory publication period, raising concern on grounds of land use compatibility and safety problems; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper. Regarding the local concern, it was considered that the nature of the proposed establishment, being located in a commercial/office building, would not cause any significant nuisance to the occupants of the same building as well as the nearby commercial buildings. Relevant Government departments had no adverse comments on the application.

42. Members had no question on the application.

Deliberation Session

43. The Chairperson remarked that the proposed establishment was located within an existing commercial building and the application complied with relevant Town Planning Board Guidelines.

44. 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 8.6.2011, 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 condition that the provision of

fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) apply to the Police Licensing Office for a massage establishment licence;
and
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application premises.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H8/382 Proposed Radar Installation and
Associated Equipment Room
in “Government, Institution or Community” zone,
Roof and Upper Roof, North Point Government Offices,
333 Java Road, North Point
(MPC Paper No. A/H8/382)
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Presentation and Question Sessions

46. Mr. Tom C.K. Yip, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, the proposed radar would be installed on the roof of North Point Government Offices (NPGO) and would work with another radar to be constructed at the roof of the future Cruise Terminal (CT) building at Kai Tak to replace the existing Airfield Surface Detection Equipment (ASDE) radar, which was located in the South Apron Area of Kai Tak;
- (b) proposed radar installation and associated equipment room use, the

proposed radar comprised a radar motor and antenna supported by a 4.5m high steel frame tower, which were enclosed in a round-shape radome with a diameter of 8.4m;

[Dr. Daniel B.M. To returned to join the meeting at this point.]

- (c) departmental comments – the Director of Health (D of Health) advised that the proposed radar would unlikely pose any adverse health hazards to the nearby occupants. The Office of Telecommunications Authority (OFTA) advised that the measured levels of radiation of the existing ASDE radar at Kai Tak were well below the acceptable limits. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) however had reservation on the visual impact of the proposed radar. Other concerned Government departments including Fire Services Department had no objection to or no adverse comments on the application;
- (d) three public comments were received during the statutory publication period. One objected to the application on grounds of potential health hazard and possible visual impact while another two raised concerns on the application on grounds of potential health and explosion hazards and impact on communication equipment on surrounding areas; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper. Regarding the CTP/UD&L's comments on visual impact, the applicant advised that the proposed radar would be enclosed by a radome to alleviate the possible psychological effect to the public arising from the turning antenna. The CTP/UD&L's concern on visual impact could be addressed by imposing an approval condition requiring the applicant to submit mitigation measures to reduce the possible visual impact. Regarding the public comment on potential health hazard, D of Health advised that the proposed radar would unlikely pose any adverse health hazards to the nearby occupants. The applicant also confirmed that the proposed radar would not affect the operation of communication equipment of the adjacent fire station and

hotel as it would not emit radar beam in the direction of these equipment. As to the explosion hazard, the applicant confirmed that the petrol filling station of the North Point Fire Station was outside the 10m vulnerable zone and the explosion hazard was therefore very remote.

47. Members had the following questions and comments :

- (a) the ball-shape radome would cause visual impact on the shoreline and surrounding areas;
- (b) apart from the ball-shape radome, any alternative designs such as semi-ball shape were proposed by the applicant to cover the proposed radar;
- (c) whether the ball-shape radome could be replaced by vertical greening;
- (d) the shape and colour of the proposed radome did not blend in with those of NPGO; and
- (e) potential health hazard to the workers in carrying out the repairing work on other facilities on the roof of NPGO.

48. In reply, Ms. Christine K.C. Tse, DPO/HK, and Mr. Tom C.K. Yip made the following points:

- (a) referring to paragraph 2(g) of the Paper, there were functional and performance needs for using a ball-shape radome as the radar signal would be reflected by sharp edges and corners of radome of other shapes. The proposed radar had the same design as the ASDE radar currently used in Kai Tak;
- (b) referring to Figure 4 of the Appendix Ia of the Paper, the ball-shape radome was used to cover the antenna. Planting of trees at the side facing the Victoria Harbour to replace the ball-shape radome would affect the emission of electromagnetic wave from the proposed radar;

- (c) PlanD would relay the Committee's concern on the visual impact of the current design (i.e. shape and colour of the radome) to the applicant, who would be advised to explore the possibility of alternative designs so as to reduce the visual impact; and
- (d) since the OFTA advised that the measured levels of radiation of the existing ASDE radar at Kai Tak were well below the acceptable limits, the proposed radar, having the same design, would unlikely pose potential health hazard to the workers in carrying out the repairing work on the roof of NPGO.

Deliberation Session

49. Members generally supported the application but considered that the current design of the proposed radar not acceptable in view of its adverse visual impact. Members also had the following comments :

- (a) the proposed radar was considered not visually compatible with the built-form and design of NPGO;
- (b) alternative designs (especially the shape and colour of the radome) should be explored to reduce the visual effect; and
- (c) the design had to be revised so that the proposed radar could be camouflaged to reduce the visual impact.

50. In response, the Chairperson pointed out that in order to address Members' concern, an approval condition would be imposed requiring the applicant to submit mitigation measures to reduce the visual impact of the proposed radar.

51. In response to a Member' enquiry, the Chairperson suggested that in order to address the possible concern of the occupants of NPGO, an advisory clause would be added advising the applicant to explain to the occupants of NPGO through its building management

committee on the safety of the proposed radar installation. Members agreed.

52. 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 8.6.2011, 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 mitigation measures to reduce the visual impact of the proposed radar installation to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) explain to the occupants of North Point Government Offices through its building management committee on the safety of the proposed radar installation;
- (b) apply to the District Lands Officer/Hong Kong East, Lands Department for the necessary approval under the respective land allocation;
- (c) note the comments of the Director of Health in respect of compliance with the Office of Telecommunications Authority “Code of Practice for the Protection of Workers and Members of Public Against Non-Ionising Radiation Hazards from Radio Transmitting Equipment” and the International Commission on Non-Ionising Radiation Protection Guidelines; and
- (d) note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department on the requirement for sufficient headroom below the radar structure in paragraph 9.1.6 of the

Paper.

54. The Committee also agreed PlanD to relay Member's concern to the applicant and ask the applicant to come up with another design for the radome.

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

Agenda Item 9

Any Other Business

55. There being no other business, the meeting was closed at 11:00 a.m..