

TOWN PLANNING BOARD

**Minutes of 360th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 2.11.2007**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

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

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

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

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

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Professor N.K. Leung

Mr. Stanley Y.F. Wong

Ms. Maggie M.K. Chan

Mr. K.Y. Leung

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Ms. Doris S.Y. Ting

Agenda Item 1

Confirmation of the Draft Minutes of the 359th MPC Meeting held on 12.10.2007

[Open Meeting]

1. The draft minutes of the 359th MPC meeting held on 12.10.2007 were confirmed without amendments.

[Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Town Planning Appeal Decision Received

Town Planning Appeal No. 10 of 2006

Temporary Vehicle Park for Goods Vehicles, Coaches and Container Vehicles
for a Period of 3 Years in “Green Belt” zone,

Lot Nos. 867 S.A, 867 S.B, 867 S.C RP, 2507 S.A RP and 2507 S.B in D.D. 130,
Lo Fu Hang, Tuen Mun

(Application No. A/TM-LTYYY/129)

2. The Secretary reported that the decision of the Town Planning Appeal Board (TPAB) on the subject appeal had been received. The appeal was in relation to an application (No. A/TM-LTYYY/129) for temporary vehicle park for goods vehicles, coaches and container vehicles for a period of 3 years at a site zoned “Green Belt” on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYYY/6.

3. The Secretary said that the appeal was heard by the TPAB on 10.5.2007 and dismissed on 15.10.2007 respectively based on the following considerations:

- (a) the TPAB accepted that the planning intention of the draft OZP as well as the Town Planning Board Guidelines for ‘Application for Development

within the Green Belt Zone' were relevant considerations in determining s.16 application. The Appellants had not sought to argue nor provide any basis to suggest that the planning intention was complied with. Further, there was also no evidence that the proposed development had in fact complied with the Guidelines and planning intention;

- (b) the TPAB accepted the argument that the planning intention was an important factor to be taken into account when deliberating on the appeal;
- (c) there was no supporting evidence to show that the proposed development would not cause any adverse impact to the surrounding areas in respect of the environmental, transport and drainage points of view. The TPAB accepted that by reference to the Guidelines, the burden of proof was on the Appellants to establish the absence of adverse impact on the surrounding areas and the Appellants had failed to do so; and
- (d) according to the photographs and plans produced in the PlanD's Witness Statement, the existing access road would not be sufficient for use by the types of vehicles that the proposed development was supposed to provide parking facilities. The proximity of the residential areas could also be seen. The additional noise generated by the increased traffic was inevitable as observed by the Director of Environmental Protection. This would cause a nuisance to the environment as well as the enjoyment of the occupants of the properties in the surrounding areas. There was no evidence to support that there was no flooding after the agricultural land was illegally converted into a car park. Furthermore, no flooding occurred in the past few years did not mean that it would not happen in future.

(ii) Appeal Statistics

4. The Secretary also reported that as at 2.11.2007, 13 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	20
Dismissed	:	104
Abandoned/Withdrawn/Invalid	:	125
Yet to be Heard	:	13
Decision Outstanding	:	5
<hr/>		
Total	:	267

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Further Consideration of Application No. Y/H9/1

Application for Amendment to the Approved Shau Kei Wan Outline Zoning Plan

No. S/H9/14 from “Open Space” to “Government, Institution or Community (1)”

for a proposed electricity substation with public open space, and to incorporate building height restriction of 63mPD for the proposed “Government, Institution or Community” zone,

a piece of Government land at Tung Kin Road, A Kung Ngam, Shau Kei Wan

(MPC Paper No. Y/H9/1C)

5. The Secretary reported that the application was submitted by the Hong Kong Electric Co. Ltd. (HEC), a member of Cheung Kong Group. Dr. Greg C.Y. Wong and Mr. Felix W. Fong, having current business dealings with the Cheung Kong Group, had declared interests in this item. Besides, Dr. Daniel B.M. To, being an Eastern District Councillor who had submitted public comment on the application, had also declared interest in this item. Members noted that they had not yet arrived at the meeting.

Presentation and Question Sessions

6. Mr. Tom C.K. Yip, Senior Town Planner/Hong Kong (STP/HK) of the Planning Department (PlanD), and the following applicant’s representatives were invited to the meeting at this point:

Dr. C.W. Tso
Mr. Derek Sun
Ms. Florence Kan
Mr. Daniel Lee
Mr. Allan Lo
Mr. Hong Kin Tung
Mr. Herman Ng
Mr. S.L. Ng

7. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Tom C.K. Yip to brief members on the background to the application.

8. With the aid of a Powerpoint presentation, Mr. Tom C.K. Yip presented the application as detailed in the Paper and made the following main points:

- (a) the application was for rezoning the application site from “Open Space” (“O”) to “Government, Institution or Community (1)” (“G/IC(1)”) for a proposed 7-storey electricity substation (ESS) with a public open space, subject to a building height restriction of 63mPD. The application site, with an area of about 4,800m², was a disused quarry site to the south of A Kung Ngam Industrial Area. To compensate for the loss of planned open space, the applicant proposed to develop a public open space of not less than 500m² within the application site, and two other public open spaces at Miu Tung Street (of not less than 1,800m²) and at Hoi Ching Street (of about 2,100m²);
- (b) the Committee considered the application on 23.3.2007 and decided to defer a decision pending submission of further information from the applicant on the issues as set out in paragraph 1.2 of the Paper. The Committee also requested the PlanD to consult the Antiquities Advisory Board (AAB) on the latest heritage value of the application site;

- (c) the further information submitted by the applicant on 29.5.2007 was summarised in paragraph 2 of the Paper. Upon completion of the heritage assessment, AMO had no objection to the application as the cut slope of the ex-quarry would not be adversely affected. Nevertheless, efforts should be made to landscape the public open space in a compatible way to denote the history of the site. The findings of the heritage assessment were noted by the AAB on 10.10.2007;

- (d) departmental comments on the further information were detailed in paragraph 3 of the Paper. Both the Secretary for Environment and the Director of Electrical and Mechanical Services (DEMS) recognised the need for a new ESS and support the application from electricity supply viewpoint. The Director of Leisure and Cultural Services (DLCS) had strong reservation on the application and would not take up the management and maintenance of the three proposed open spaces. The District Lands Officer/Hong Kong East indicated that the management and maintenance responsibility of the proposed open spaces should be resolved prior to finalisation of the land grant application. The Assistant Commissioner for Transport/Urban, Transport Department also had reservation since no improvement measure at Tung Kin Road was provided to address the safety concern on possible reversing movement of goods vehicles. Both the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department and the Chief Town Planner/Urban Design & Landscape, PlanD noted that certain improvements had been made on the building façade but there was room for further improvement on visual impact;

- (e) during the statutory publication period of the further information, 174 public comments from local residents were received, of which 128 objected to and 46 supported the application. The main concerns of the objectors included loss of public open space; adverse visual and environmental impacts; health risk to local residents; and adverse impact on the historically significant disused quarry. Supporting views mainly included early implementation of the proposed parks; and the proposed ESS could

meet the long-term need of the local residents;

- (f) PlanD had no objection to the application for reasons as detailed in paragraph 5.1 of the Paper. The proposed development was required to meet the long-term electricity demand in the district. Measures to improve the visual impact were proposed, and a Remark specifying that the exterior design of development required planning permission could be stipulated in the Notes for the proposed “G/IC(1)” zone. The proposed development was not incompatible with the surrounding land uses. The early implementation of the proposed open spaces was considered as a planning gain. There would be a surplus of 0.34 ha of planned open space after the rezoning, which would increase to 0.55 ha with the inclusion of the proposed open space at Hoi Ching Street; and

- (g) the applicant should be requested to further discuss with DLCS to sort out the management and maintenance arrangements for the proposed open spaces. The issue on the provision of a turning circle/area at the end of Tung Kin Road, which did not relate directly to the development, could be resolved separately between Transport Department (TD) and the applicant. As the height of the proposed ESS indicated in the submission was at 48.75mPD (at main roof), a building height restriction of 50mPD was therefore proposed for “G/IC(1)” zone with a minor relaxation clause to provide design flexibility. Appropriate Remarks would also be included in the Notes to indicate clearly the provision of public open space of not less than 500m² within the application site.

9. With the aid of a Powerpoint presentation, Dr. C.W. Tso and Mr. Daniel Lee made the following main points concerning the further information submitted in May 2007:

Size/land requirement of existing ESSs

- (a) the area and volume of ESSs had increased considerably in recent years to meet the enhanced statutory requirements and guidelines on fire rescue stairway, emergency vehicular access and sprinkler system. The site area of the 9 ESSs completed since 1992 ranged from 1,500m² to 3,269m²

depending on the site configuration and the facilities provided. The average size was about 2,278m²;

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

Spare capacity of ESSs in the Eastern District and other districts

- (b) the spare capacity of 6 ESSs in the Eastern District would drop from 158.1 MVA in 2007 to 62.8 MVA in 2011. There would be a shortfall of 1 MVA in 2012 and 76.3 MVA by 2015, which would be unable to meet the additional demand from the comprehensive developments at Oil Street and ex-North Point Estate sites. This forecast had been submitted to the then Economic Development and Labour Bureau (EDLB) and the Electrical and Mechanical Services Department (EMSD) for auditing review in 2006;
- (c) the reserved capacity from ESSs in Causeway Bay had been planned to cater for growth in demand in that area. It would not be cost-effective and would cause serious traffic congestion if the reserved capacity in Causeway Bay were to be temporarily borrowed;
- (d) DEMS considered the above explanations not unreasonable;

Comparison between the proposed ESS and existing ESSs with similar facilities

- (e) the site area, building volume and gross floor area of the proposed ESS were less than those of the comparable existing ESSs (viz. the combination of the two ESSs at Mount Davis and Shaukeiwan, and the Tamar Station) with similar facilities;

Site area, footprint and building height of the proposed ESS

- (f) although the application site had an area of 4,800m², the usable area was only 1,820m² after deducting the slope (2,130m²), maintenance access to the slope (350m²) and public open space (minimum 500m²). This usable site area was equivalent to only 70% of the site area requirement for similar existing ESSs (i.e. 2,592m²) and 36% of the standard set out in the Hong Kong Planning Standards and Guidelines (HKPSG) (i.e. 5,030m²). With a

smaller site area, the proposed ESS had to be taller and contained more services cores such as staircase, lift and cable shafts;

- (g) the 6 high voltage transformers would be closely packed on G/F, sharing common facilities such as fire rescue services, staircases and hoisting wells, etc. in order to provide more at-grade open space. The site coverage of the building was only about 1,200m² after excluding the emergency vehicular access (EVA). To minimise the building height, the headroom of each floor for 4/F and above was lowered to 4.3m as compared to the normal height of 4.5m for other ESSs. DEMS considered that the facility layout of the proposed ESS was technically acceptable;

Visual and design aspect of the proposed ESS

- (h) the eastern part and 4-6/F of the western part of the building, and the staircases at the western corner of the site were set back to breakdown the scale of flat wall and to provide landscaping. Architectural fins and features were added to soften the visual impact;

Feasibility of providing a turning circle/area at Tung Kin Road

- (i) the turning circle at Tung Kin Road was not necessary as it was surveyed that at most only 35 vehicles made U-turn at this location per day. Moreover, such turning circle was undesirable from engineering and tree preservation point of views as it would result in extensive slope cutting, felling/transplanting of 22 trees, and reduced the planned open space significantly. The proposed ESS would only attract less than 5 vehicular trips over a whole working day and these vehicles would turn and reverse within the application site.

10. Members had the following concerns/questions on the application:

Forecast on electricity demand

- (a) what was the reason for a drastic increase in electricity consumption between 2011 and 2012? What were the assumptions adopted in the forecast growth in population and electricity consumption? While the

redevelopment of the ex-North Point Estate site was included in the forecast population, there had actually been population at that site before. Was the forecast demand reasonable?

- (b) would there be an over-supply of electricity for the district noting that the shortfall of spare usable capacity was lower than the capacity of the proposed ESS of 240MVA. Was there any standard from EMSD on the level of reasonable spare usable capacity?
- (c) whether the information on existing and projected electricity demand and supply had been submitted and agreed by relevant Government departments?

Provision of turning circle at the end of Tung Kin Road

- (d) in view of TD's concern on the reversing movements of vehicles at that location, consideration should be given to providing some other feasible improvement measures such as local road widening, speed reduction measures, and erecting traffic signs etc. to address the concern;

Design of open space and adverse visual impact

- (e) the design of the proposed development should blend in well with the local characteristics taking into account the history of the site. A balance had to be struck between the need for development and preservation of the disused quarry;
- (f) the management and maintenance responsibility of the proposed open spaces had not been sorted out. Whether the applicant was willing to take up such responsibility;
- (g) the revised design of the proposed ESS with only some set back in the building façade was still unacceptable. More innovative design should be considered, such as providing more and wider platforms for greening and visual openings to allow view to the ex-quarry slope so as to minimise the adverse visual impact of the massive ESS. There also appeared to be

some scope to reduce the overall height because 4.3m floor height from 4/F and above might not be absolutely necessary. Alternative layouts could also be considered;

Building design and height of proposed ESS

- (h) whether there was any information provided to demonstrate that the site area, footprint and building height of the proposed ESS had been minimised as far as possible. DEMS had not provided a clear answer on this aspect;

Local objections

- (i) what the local sentiment was towards the development of the proposed open space at Miu Tung Street noting that there was considerable number of objections received from the local residents including the Works and Development Committee of the Eastern District Council and the Mutual Aid Committee of Ming Wah Dai Ha (Block A) just located next to that proposed open space;

Others

- (j) clarification was required on the statement that the AAB had noted the results of the heritage assessment as mentioned in paragraph 5.1(f) of the Paper as AAB had not discussed the specific matter at the meeting on 10.10.2007;

11. In response to some of the above questions, Mr. Tom C.K. Yip made the following points:

- (a) according to the approved Shau Kei Wan (SKW) Outline Zoning Plan, the existing population in the SKW area was 113,600 persons while the planned population would increase to 127,500 persons. The applicant's demand forecast on electricity consumption was for the whole Eastern District which also included the planned population in the North Point and Quarry Bay areas; and

- (b) it was understood from AMO that a progress report including a list of developments which might affect heritage preservation (including the subject ESS proposal) was submitted to AAB for information at the meeting on 10.10.2007. The Committee's concern on the possible heritage value of this disused quarry site and the findings of the heritage assessment were stated in the progress report. No comment was raised by the AAB members.

12. In response to the above questions raised by Members, Dr. C.W. Tso, Messrs. Daniel Lee, Derek Sun, S.L. Ng and Miss Florence Kan made the following clarifications:

Forecast on electricity demand and consumption

- (a) with the completion of the latest ESS in Heng Fa Tsuen back in 1999, the existing total electricity supply in the Eastern District was about 820.8 MVA. The electricity consumption increased from 450 MVA in 1995 to 628 MVA in 2006, and would further increase to 735 MVA by 2009 with the anticipated completion of 16 proposed developments/redevelopments in the district. Together with the comprehensive developments in Oil Street and at the ex-North Point Estate site which would require an additional demand of 70 MVA, the total electricity consumption would reach 805 MVA, and the existing capacity of 820 MVA would be almost used up by 2012. Possibility of retrofitting the existing ESSs to increase capacity had been explored but was considered not feasible due to the need to maintain a continuous and reliable electricity supply in the district;
- (b) the demand forecast of electricity consumption was calculated on the basis of the whole Eastern District, not purely for residential developments but also other proposed commercial developments/redevelopments including those in Taikoo Place. DEMS and the then EDLB had an in-depth analysis on the submission and considered that the calculation on demand forecast and electricity consumption acceptable;
- (c) the provision of a ESS with capacity of 240 MVA was required to meet the longer term demand, say for the next 10 to 15 years, in view of the rapid

developments within the Eastern District. The planning of a ESS had to adopt a prudent approach given the long lead time required in site identification and construction and the need to reserve some capacity as back-up in order to maintain a continuous electricity supply during routine maintenance and unexpected system breakdown. Nevertheless, the transformers within the ESS could be installed by phases to meet the gradual increase in demand;

Provision of turning circle at the end of Tung Kin Road

- (d) it was considered unnecessary to provide a turning circle at the end of Tung Kin Road since the proposed development, with its own parking, loading/unloading facilities and manoeuvring space, would not cause any adverse traffic impact, and the usage of Tung Kin Road for U-turns was very low. Nevertheless, HEC was willing to undertake some local road improvement measures as required by TD to enhance traffic safety with a view to increasing public acceptance of the proposed development;

Design of open space and adverse visual impact

- (e) the existing cut slope was no longer the same as the original appearance of the disused quarry as the Civil Engineering and Development Department was carrying out slope stabilisation works. Notwithstanding this, consideration would be given to providing some panels within the proposed open space to introduce the history of this quarry. Apart from this, the historical remains of squatter huts for previous quarry workers and grindstone within the site at Miu Tung Street would be integrated with the design of the proposed open space and the theme of exhibiting the history of the area;
- (f) in the absence of necessary expertise to manage the proposed public open spaces, such management and maintenance responsibility would have to be tendered out should the applicant be required to take it up. Active liaison with DLCS to sort out the issue was underway and the applicant would take up such responsibility in the interim pending the handing over of the open spaces to the Government;

- (g) further improvements to the design and landscape treatment of the proposed ESS would be made during the detailed design stage;

Building footprint and height of proposed ESS

- (h) referring to the further information at F-Appendix IV of the Paper, the footprint of the proposed ESS at A Kung Ngam was the second smallest amongst all the existing ESSs except for the Causeway Bay Substation which had fewer facilities. Besides, the volume of the proposed ESS was lower than the average of all ESSs. Also, the headroom of each floor of the proposed ESS had been reduced to the bare minimum, taking into account the height of the equipment, requirement of structural and building services and space for maintenance, etc. Consideration would be given to further reducing the headroom, if possible, during detailed design stage;
- (i) the footprint at the proposed ESS was minimised at ground level in order to maximise the provision of open space for public enjoyment;
- (j) six different layouts were previously submitted to the Committee for consideration. Considering factors like optimum utilisation of land resources, maximising the provision of public open space within the application site and minimising the adverse visual impact to the surroundings, the current layout was considered the most acceptable under various site constraints; and

Local objections

- (k) it was understood that the District Councillors had no in-principle objection to the early implementation of the proposed open space in Miu Tung Street. As the time-table for the implementation of the proposed open space was yet to be fixed, it would be premature to have direct consultation with the MAC or local residents at this stage.

13. The Secretary asked if the applicant would consider building separate ESSs on two smaller sites to avoid having a massive structure, and in that regard, what would the

minimum site area be as it might be easier to find an alternative site should the site area requirement be reduced. In response, Mr. Daniel Lee said that according to the HKPSG, the site area requirement was 1,600m² and 2,550m² for a primary zone substation and a 132kV switching station respectively. The development of two smaller ESSs instead of one large ESS was not effective in terms of economies of scale since there was minimum requirement of certain facilities including EVA, water tanks and other servicing facilities to be met regardless of the number of transformers to be installed within the ESS.

14. As the applicant's representatives had no further comments to make and Members had no further questions to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

15. The Chairman remarked that it would be more appropriate for the relevant Government bureau to assess the question of forecast of electricity demand.

16. A Member said that while DEMS had commented that the proposed layout was technically feasible, there was a lack of independent professional advice on whether the footprint and building height of the proposed ESS had been reduced to the absolute minimum taking into account the facilities to be provided therein. The Committee's concern relating to the need for minimising the building bulk had not been satisfactorily dealt with. Moreover, consideration should be given to reviewing the land requirement of ESS as specified in the HKPSG to keep the site requirement to the absolute minimum. Moreover, it was not appropriate to state in the Paper that the findings of the heritage assessment of the disused quarry within the application site were noted by AAB because the matter was not specifically discussed in the AAB meeting. The Member had very strong reservation on the monotonous design of the proposed ESS which paid little respect to the heritage value of the ex-quarry slope, and create adverse visual impact on the surrounding area.

17. Another Member shared similar views that the proposal could not address the

public desire for an ESS with reduced scale and less bulky design. The applicant did not show sufficient commitment to address the local concerns including the management and maintenance of the proposed open spaces. It was difficult to accept the applicant's justifications for the need for an ESS of such capacity given DEMS's comment was just that the applicant's explanations were "not unreasonable".

18. Two Members were disappointed to note that the applicant, apart from reiterating that it was both unnecessary and technically undesirable to provide a turning circle at the end of Tung Kin Road, had failed to explore the provision of other improvement measures to enhance road safety at that location. It was however noted that the applicant undertook to provide some local road improvement measures to the satisfaction of TD.

19. A Member remarked that even though the proposed ESS was intended to bring public benefits to the Eastern District by providing adequate electricity supply for future developments in the longer term, the proposal submitted was objected to by the Eastern District Council and local residents. Moreover, there was insufficient information to demonstrate the floor area requirement of the associated facilities on the upper floors of the ESS. It would therefore be hard to lend support to the application at this stage.

20. Mr. James Merritt reiterated that the applicant should resolve the issue on the future management and maintenance responsibility of the proposed open spaces with DLCS prior to finalisation of the land lease.

21. Noting that there was strong reservation from Members, the Chairperson concluded that the application could not be favourably considered at this stage. There was a lack of clear information from concerned Government bureau/departments on whether the footprint, building height and internal layout/facilities were minimised. In view of the possible adverse visual impact on the surrounding area, the proposed design of the ESS was not considered acceptable. The issue on future management and maintenance of the proposed public open spaces had yet to be resolved. There were also strong local objections to the application. Considering the difficulty in finding a suitable site for building an ESS and the outstanding issues that still had to be satisfactorily addressed in respect of the application, the Chairperson proposed that the application be further deferred pending clarifications with concerned bureau/departments on the above issues and PlanD to conduct

another round of site search on possible alternative sites for ESS development. Members agreed.

22. After deliberation, the Committee decided to further defer a decision on the application pending clarifications from concerned Government bureau/departments on the forecast of electricity demand in the Eastern District; on whether the site area, footprint, building height and internal layout/facilities of the proposed electricity substation were minimised; and the result of another round of site search on possible alternative sites suitable for ESS development, including smaller sites in the event the ESS could be reduced in scale, to be conducted by PlanD in consultation with the applicant.

[Mr. Elvis W.K. Au left the meeting while Messrs. Raymond Y.M. Chan and James Merritt left the meeting temporarily at this point. Mr. Felix W. Fong and Dr. Daniel B.M. To arrived to join the meeting at this point.]

The meeting took a 5-minute break at this point.

Kowloon District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Further Consideration of Application No. Y/K14N/1

Application for Amendment to the Approved Kwun Tong (North) Outline Zoning Plan No. S/K14N/9 from “Other Specified Uses” annotated “Amenity Area” to “Government, Institution or Community”, Government Land near the Junction of Po Lam Road and Sau Mau Ping Road

(MPC Paper No. Y/K14N/1A)

23. The Secretary said that as the application was submitted by the Housing Department, the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests on this application:

- | | |
|--|---|
| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a member of the Building Committee
and the Strategic Planning Committee (SPC)
of HKHA; |
| Mr. James Merritt
as the Assistant Director
of Lands Department | - being an assistant to the Director of Lands
who is a member of HKHA; and |
| Ms. Margaret Hsia
as the Assistant Director of
Home Affairs Department | - being an assistant to the Director of Home
Affairs who is a member of the SPC and the
Subsidised Housing Committee of HKHA; |
| Dr. Greg C. Y. Wong |] |
| Professor Bernard V. W. F. Lim |] having current business dealings with |
| Mr. Raymond Y.M. Chan |] HKHA |
| Mr. Stanley Y. F. Wong | - being a member of the HKHA |
| Mr. Walter K. L. Chan | - being a former member of the HKHA |

24. The Committee noted that Ms. Margaret Hsia and Mr. Stanley Y.F. Wong had tendered apologies for being unable to attend the meeting, Dr. Greg C.Y. Wong had not yet arrived at the meeting, and Messrs. Raymond Y.M. Chan and James Merritt had left the meeting temporarily. Since both the Chairperson and Vice-Chairman had declared interests, Members agreed that the Chairperson should continue to chair the meeting out of necessity.

[Professor Bernard V.W.F. Lim and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

Presentation and Question Sessions

25. Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Miss Helen

L.M. So, Senior Town Planner/Kowloon (STP/K) of the Planning Department (PlanD), and the following applicant's representatives were invited to the meeting at this point:

Mr. Wong Hung Keung, Kenneth

Mr. Ip Shing Tim

Mr. Lee Yun Cheung, Rudolf

Mr. Eddie Tsang

26. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Miss Helen L.M. So to brief members on the background to the application.

27. With the aid of a Powerpoint presentation, Miss Helen L.M. So presented the application as detailed in the Paper and made the following main points:

- (a) the applicant proposed to rezone the application site from "Other Specified Uses" ("OU") annotated "Amenity Area" to "Government, Institution or Community" ("G/IC") to facilitate the relocation of four existing temples (viz. Tin Hau Leung Leung Temple, Tai Shing Temple, Shing Wong Temple and Guan Yin Temple) which would be affected by the site formation works of the proposed public housing development at Anderson Road;
- (b) the Committee considered the application on 27.7.2007 and decided to defer a decision pending submission of additional information from the applicant on the assessment of future pedestrian flow on major festival days; the feasibility of providing common facilities for shared use by the temples within the application site; and the measure(s) to prohibit the provision of ancestral tablets for outsiders in the temples;
- (c) the further information submitted by the applicant on 6.9.2007 to address the Committee's concerns was detailed in paragraph 2.3 of the Paper;

- (d) one public comment from a Kwun Tong District Councillor was received during the statutory publication period expressing support for the application. The District Officer (Kwun Tong) had no objection to the application and considered the imposition of relevant clause to prohibit the provision of ancestral tablets (except reprovisioning of existing ones) in the tenancy agreements acceptable;
- (e) concerned Government departments were further consulted on the applicant's further information and their comments were detailed in paragraph 3 of the Paper. Both the Assistant Commissioner for Transport/Urban of Transport Department and the Commissioner of Police had no adverse comments on pedestrian and traffic impact assessment and considered the contingency plan for crowd control acceptable. The Chinese Temple Committee of Home Affairs Bureau strongly supported the provision of individual burning furnace to clearly delineate the maintenance and management responsibilities. The Director of Environmental Protection had no objection to the application as the temple operators were obliged to comply with all relevant environmental protection ordinances;
- (f) PlanD had no objection to the application for reasons as detailed in paragraph 5.1 of the Paper. The scale of the proposed development was considered not incompatible with the character of the surrounding areas and would not have adverse impacts on drainage, sewerage infrastructure, visual and landscape aspects in the area. Concerned Government departments had no objection to or no adverse comments on the application. Besides, the proposed tree planting within the application site and along the footpath of Po Lam Road, together with the provision of two sitting-out areas in front of Tin Hau Leung Leung Temple would enhance the greenery in the area. In view of the local and community need for worshipping purpose, sympathetic consideration could be given to the application.

28. With the aid of a Powerpoint presentation, Mr. Wong Hung Keung, Kenneth made the following main points in relation to the further information:

Pedestrian and Traffic Impact Assessment

- (a) based on their assessments, the existing footpath and pedestrian crossing in the vicinity of the application site still had ample reserve capacity of 59% and 159% respectively taking into account the peak pedestrian flow on major festival day;
- (b) to address the Committee's concern, a visitor survey was conducted on Chung Yeung Festival at Tin Hau Leung Leung Temple (the only temple provided with ancestral tablets) which showed that there was only 21 visitors throughout the day;
- (c) measures for controlling the pedestrian flow including demarcation of a 1-metre wide queuing zone along the existing footpath in front of the proposed temples, using the proposed two sitting-out areas as a buffer zone, temporarily removed the portable planters, and renting the open areas in the district would be implemented by the temple operators in large-scale festival events with many worshippers visiting the temples;
- (d) according to the information provided by the temple operators, most of the worshippers would go to the temples by public transport or on foot. As the application site was located at major traffic corridors with public transport stops nearby and there were existing car parks in the shopping centres at Po Tat Estate and Sau Mau Ping Estate, the demand for car parking facilities within the application site on major festival days was minimal;

Provision of common facilities for shared use by the temples

- (e) loading and unloading was allowed along the kerbside of Sau Mau Ping Road which was about 100m to the northwest of the application site. As there was an existing bus lay-by to the north of the application site, which restricted the available kerbside for the provision of an additional lay-by, no loading/unloading facilities along public road near the application site was recommended;

- (f) separate burning furnace would need to be provided by respective temple operators due to different religions and gods to be worshipped and there would be unclear management and maintenance responsibilities for common facilities;

Environmental Mitigation Measures

- (g) possible nuisance due to burning of offering-paper and joss sticks activities at the temples was expected to be insignificant after dispersion over the long separation distance of 75m between the application site and the nearest sensitive receiver. The temple operators would use environmental friendly paper-offering and joss sticks as well as install air filtering (scrubber) system to further reduce any possible adverse impact;

Prohibiting the Provision of Ancestral Tablets for Outsiders in the Temples

- (h) the tenancy agreements would stipulate that the provision of ancestral tablets for outsiders and any other commercial activities were prohibited. As for the existing ancestral tablets (about 100) found in Tin Hau Leung Leung Temple, the maximum number of ancestral tablets would also be stipulated to avoid future abuse;

Conclusion

- (i) the application site was considered the most suitable location for re-provisioning the existing temples in terms of traffic, environmental, drainage, visual and engineering aspects after lengthy discussions with temple operators. There was very strong local support from the Kwun Tong District Council as well as relevant Legislative Councillors in view of the long history of the existing temples within the district. Moreover, the application was required to facilitate the site formation for the proposed public housing development at Anderson Road which would provide a total of 16,000 flats housing about 50,000 persons as well as create over 1,000 jobs.

29. A Member appreciated the applicant's effort in providing sufficient information to address the Committee's concern. In response to this Member's question on the anticipated completion of the reprovisioning, Mr. Wong Hung Keung, Kenneth said that taking into account the statutory procedures of gazetting the amendment to the Outline Zoning Plan and consideration of representation, if any, and also the time required for site formation and construction, the reprovisioning was expected to be completed by mid 2010.

30. Noting the considerable number of worshippers for these temples, a Member asked whether parking spaces and loading/unloading facilities could be provided within/near the application site. The kerbside loading/unloading area was about 100m from the application site and it would be inconvenient to the elderly patrons of these temples. Also, the temple operators should do their utmost to avoid any possible adverse environmental impact from burning of offering-paper and joss sticks.

31. Mr. Wong Hung Keung, Kenneth said that there would be at most about 600 worshippers gathered in the temples during festivals. The existing pedestrian and crossing facilities with ample reserve capacity should be sufficient to cater for the worshippers. Moreover, parking spaces were available in the two car parks at Po Tat Estate and Sau Mau Ping Estate in the vicinity. The nearest sensitive receiver was located 75m away and appropriate environmental mitigation measures such as planting of trees and the installation of air filter system could help reduce any possible adverse impact.

32. Mr. Wong Hung Keung, Kenneth further explained that according to TD, the restriction of loading/unloading activities at the junction near the temples was required in order not to affect the traffic circulation. Mr. Anthony Loo said that with a view to striking a balance between traffic movement and pedestrian convenience, consideration could be given to shortening the length of the restricted zone for loading/unloading in this location.

33. Mr. Anthony Loo enquired on the ownership of the movable planters along the footpath. Mr. Wong Hung Keung, Kenneth responded that they would be under the management of the Leisure and Cultural Services Department (LCSD) and the District Office would liaise with LCSD on the temporary removal of the planters for crowd control purpose, when necessary.

34. In response to a Member's query, Mr. Eric C.K. Yue clarified that the proposed building height restriction of 132mPD was to reflect the highest building height of the reprovisioned temples (i.e. main roof of the Guan Yin Temple at 131.04mPD) which situated on platforms with formation level ranging from 120mPD to 124.5mPD.

35. As the applicant's representatives had no further comments to make and Members had no further questions to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

36. While having no objection to the application, a Member reiterated that measures to improve the loading/unloading arrangement to cater for elderly worshippers should be considered. Moreover, the temple operators should ensure that the burning of paper-offering and joss sticks would not have any adverse impact on the environment. The Chairperson said that such comments could be conveyed to the applicant.

37. After deliberation, the Committee decided to agree to the application by rezoning the application site to "Government, Institution or Community (1)" with the stipulation of the maximum building height restriction of 132mPD in the Outline Zoning Plan in order to avoid construction of temple buildings with excessive building height which might cause adverse visual impact on the surrounding areas. The Committee also agreed to advise the applicant to :

- (a) improve the loading/unloading arrangement of the application site to cater for elderly worshippers; and
- (b) advise the temple operators to ensure that the burning of paper-offering and joss sticks would not have any adverse impact on the environment.

38. The Committee also agreed to advise the District Lands Officer/Kowloon East, Lands Department to incorporate the following in the tenancy agreements for the temples:

- (a) a clause to prohibit the provision of ancestral tablets except those currently found in Tin Hau Leung Leung Temple and the maximum number should not exceed 100; and
- (b) a clause on compliance with the relevant environmental protection ordinances or any amending legislation.

[Professor Bernard V.W.F. Lim, Messrs. James Merritt and Walter K.L. Chan returned to join the meeting while Ms. Starry W.K. Lee left the meeting temporarily at this point.]

Hong Kong District

[Ms. Lily Y.M. Yam and Mr. Tom C.K. Yip, Senior Town Planners/Hong Kong (STPs/HK), were invited to the meeting at this point.]

Agenda Item 5

[Open Meeting (whole agenda item)]

Proposed Amendments to the

Approved Kennedy Town and Mount Davis Outline Zoning Plan No. S/H1/14

(MPC Paper No. 18/07)

39. The Secretary reported that one of the proposed amendments (Amendment Item B) was to facilitate the re-provisioning of the existing Kennedy Town public swimming pool which would be affected by the West Island Line project to be implemented by the Mass Transit Railway Corporation Ltd (MTRCL). Mr. Anthony Loo, the Assistant Commissioner of Transport Department, being an alternate member for the Deputy Secretary for Transport and Housing (Transport)¹ who was a member of the Board of MTRCL, should declare interest in this item. However, since the consideration of the proposed amendments was part of the plan-making process, Mr. Loo could be allowed to stay in the meeting and participate in the discussion of and determination on this item. Members agreed.

40. Ms. Lily Y.M. Yam, STP/HK, presented the proposed amendments to the Outline Zoning Plan (OZP) and highlighted the following points:

- (a) the proposed amendments to the plan, as detailed in paragraph 4 and Attachment II(A) of the Paper, were mainly to incorporate the Belcher Bay Reclamation Area (BBRA), which was reclaimed in 1996, into the planning scheme boundary and to designate appropriate zonings to reflect the existing and proposed land uses in the BBRA which included the existing Public Cargo Working Area (PCWA), the Belcher Bay Park, and roads, the proposed reprovisioning site for the existing Kennedy Town Public Swimming Pool, and the proposed waterfront promenade/open space. Besides, a number of sites were proposed for rezoning to reflect the existing or completed developments in the district including the two residential developments known as the Merton and La Maison Du Nord;

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

- (b) the findings on the review of the sites zoned “Open Space” which involved private land on OZP, as requested by the Town Planning Board in considering the objections to 11 OZPs on 4.2.2005, were as detailed in paragraph 5 of the Paper;

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

- (c) the proposed amendments to the Notes were as detailed in paragraph 6 and Attachment II (B) of the Paper;
- (d) opportunity was taken to revise the Explanatory Statement of the OZP as detailed in Appendix II(C) of the Paper to reflect the latest status and planning circumstances of the OZP; and
- (e) no adverse departmental comments were received and individual members of the Central and Western District Council (C&W DC) would be notified on the proposed amendments during the exhibition period since the

operation of the C&W DC had been suspended in November 2007 pending the District Council Election.

41. While acknowledging the need for PCWA facilities, a Member considered that the PCWA should be relocated to other suitable location as soon as possible in order to release the waterfront area for public enjoyment. In response, Ms. Lily Y.M. Yam said that according to the Secretary for Transport and Housing, there was currently no plan to relocate the PCWA, and it had to be retained in the short to medium term. The zoning of the site in the longer term would be reviewed when the PCWA could be relocated to other area.

42. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Kennedy Town and Mount Davis Outline Zoning Plan (OZP) No. S/H1/14 as set out in paragraphs 4 and 6 of the Paper and that the Amendment Plan No. S/H1/14A at Attachment II(A) (to be re-numbered as S/H1/15 upon exhibition) and its Notes at Attachment II(B) were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (b) adopt the revised Explanatory Statement (ES) at Attachment II(C) as an expression of the planning intention and objectives of the Town Planning Board (TPB) for various land use zones on the Amendment Plan No. S/H1/14A and be issued under the name of the TPB; and
- (c) agree that the revised ES was suitable for exhibition for public inspection together with the Amendment Plan No. S/H1/14A.

[Professor Paul K.S. Lam left the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/H13/26

Proposed 'School' (Kindergarten cum Nursery School) in "Commercial (2)" zone,
1/F, Chun Fai Centre, 9 Chun Fai Road, Jardine's Lookout

(MPC Paper No. A/H13/26A)

Presentation and Question Sessions

43. The Secretary reported that the application was submitted by a subsidiary of Hutchison Whampoa Property (Management and Agency) Ltd. (HWP). Dr. Greg C.Y. Wong and Mr. Felix W. Fong, having current business dealings with the HWP, had declared interests in this item. Mr. Anthony Loo, who lived near the application site, should also declare interest in this item. Members noted that Dr. Wong had not yet arrived at the meeting.

[Messrs. Felix W. Fong and Anthony Loo left the meeting temporarily at this point.]

44. 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 - highlighting that the application was deferred by the Committee on 15.12.2006 pending the decision of the Chief Executive in Council (CE in C) on the representations to the Outline Zoning Plan (OZP). Since the statutory planning procedures related to the representations to the OZP had been completed with the approval of the OZP by the CE in C on 2.10.2007, the application was activated;
- (b) the proposed school (kindergarten cum nursery school) use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the publication of the application and further information, a total of

23 public comments were received. Among them, 21 objected to the application mainly on traffic and environmental grounds, one supported the application and the remaining one requested additional time for giving comments. No local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 4.1 of the Paper. The proposed development was not incompatible with other uses in the shopping centre and the surrounding residential neighbourhood. It would not generate adverse traffic on the adjacent road network and was not a polluting use. As regards the public concerns on the adverse traffic and environmental impacts of the proposed development, the Transport Department and Environmental Protection Department confirmed that no significant adverse impacts would be resulted and they had no objection to the application.

Deliberation Session

45. 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 2.11.2011, 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 service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the comments of the District Lands Officer/Hong Kong East, Lands Department as stated in paragraph 9.1.1 of F-Appendix I of the Paper regarding the need to obtain prior written consent for changing the layout of car park and for assignment or underletting of any part of the subject lot;
- (b) note the comments of the Chief Building Surveyor/Hong Kong East,

Buildings Department as stated in paragraph 9.1.3 of F-Appendix I of the Paper regarding the need to submit building plans to meet the requirements under Buildings Ordinance; and

- (c) note the comments of the Secretary for Education and the Director of Social Services as stated in paragraphs 9.1.4 and 9.1.5 of F-Appendix I of the Paper respectively that the proposed kindergarten cum nursery school should be registered under the Child Care Centre Ordinance and Education Ordinance.

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H1/80 Proposed Hotel in “Residential (Group A)” zone,
454A-462A Des Voeux Road West and 3 Cheung Kan
Lane, Kennedy Town

(MPC Paper No. A/H1/80)

Presentation and Question Sessions

47. The Committee noted that the applicant requested on 24.10.2007 for a deferment of the consideration of the application to allow time to prepare additional information to address departmental comments.

Deliberation Session

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

application for reasons as detailed in paragraph 11.1 of the Paper.

50. Members had no question on the application.

Deliberation Session

51. The Committee noted that the application complied with the relevant Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” zone.

52. After deliberation, the Committee decided to approve the application, 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 for the estate agency office use in the subject premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2008 ; 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 shall on the same date be revoked without further notice.

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

- (a) note that prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) resolve any land issues relating to the development with the concerned land owner of the application premises;
- (c) note the District Lands Officer/Hong Kong East, Lands Department’s comments regarding the lease and waiver aspects;

- (d) note the comments from the Chief Building Surveyor/Hong Kong East, Buildings Department regarding the need to submit plans for building works to his department for approval under the Buildings Ordinance; and
- (e) note the comments from the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. In formulating the submission, the applicant should comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H25/7 Proposed Hotel, Place of Recreation, Sports and Culture (Art Venue), and Exhibition and Convention Hall in “Open Space”, “Other Specified Uses” annotated “Leisure and Entertainment Complex and Elevated Walkway”, “Other Specified Uses” annotated “Elevated Walkway” zones and area shown as “Road”, Ex-A-King Slipway Site (Remaining Portion of Inland Lot 8407) and the Adjoining Government Land, Causeway Bay (MPC Paper No. A/H25/7A)
-

54. The Secretary reported that the Wharf Estates Development Limited (the Wharf) was one of the applicants for the application. Dr. Greg C.Y. Wong, having current business dealings with the Wharf, had declared an interest in this item. Members noted that Dr. Wong had not yet arrived at the meeting.

Presentation and Question Sessions

55. Members noted that the replacement pages 22 and 23 tabled at the meeting. The Secretary said that the application site was the subject of objections against the draft Wan Chai North Outline Zoning Plan (OZP) No. S/H25/1 gazetted on 19.4.2002 and a further objection against the proposed amendments to the draft OZP gazetted on 27.7.2007 under section 6(7) of the pre-amended Ordinance. The Town Planning Board had not yet

considered the further objection. The draft OZP, the objections and further objection were yet to be submitted to and considered by Chief Executive in Council (CE in C). According to Town Planning Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance, a decision on a section 16 application would be deferred if the zoning of the site was still subject to outstanding objection yet to be submitted to the CE in C. At the same time, the Secretary further said that the applicant requested on 24.10.2007 for a further deferment of the consideration of the application until submission of further information.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided not to accede to the applicant's request for further deferment as the applicant's submission of further information might not meet the programme of submission of the objections and further objection in respect of the draft Wan Chai North Outline Zoning Plan (OZP) to the Chief Executive in Council (CE in C). The Committee also decided to defer a decision on the application for the reason that the application site was the subject of objections and further objection yet to be submitted to the CE in C for consideration. In accordance with the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on the application had to be deferred pending CE in C's final decision on the objections and further objection in respect of the draft Wan Chai North OZP.

Agenda Item 8

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/6-2 Extension of Time for Compliance with Planning Condition (c) for the Approved Temporary Exhibition Hall for Motor Vehicles for a Period of Three Years under Planning Application No. A/H25/6 for Three Months up to 3.2.2008, Basement Level B1 of the Car Park Complex at the Hong Kong Convention and Exhibition Centre, 1 Harbour Road, Wan Chai

(MPC Paper No. A/H25/6-2)

58. The Committee noted that as Professor Bernard V.W.F. Lim lived near the application premises, he had to declare interest in this item.

[Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed extension of time for compliance with condition (c) on the provision of fire service installations and submission of documentary proof to indicate the endorsed fire safety requirements were fulfilled for a further three months up to 3.2.2008;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) an objection to the application on traffic ground was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 8.3 of the Paper. The modified fire service installations would be implemented by the applicant after resubmission of building plans in due course. Relevant Government departments including the Fire Services Department and the Buildings Department had no objection to or no adverse comment on the application; and there was no adverse planning implication. Regarding the local objection, the traffic implication of the temporary use had been taken into account by the Committee when the application was approved on 3.11.2006, and the Transport Department had no comment on the subject application for extension of time.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application for extension of time for compliance with approval condition (c) from 12 months to 15 months until 3.2.2008. The following conditions of approval were suggested for Members' reference:

- (a) no motor shows or car fairs or any related events should be undertaken at the premises;
- (b) the provision of means of escape to the satisfaction of the Director of Buildings or the TPB;
- (c) the provision of fire service installations and submission of documentary proof to indicate that the fire safety requirements, so endorsed, were fulfilled within 15 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2008; and
- (d) if the planning condition (c) above was not complied with by the specified date, the approval hereby given should cease to have effect and should on

the same date be revoked without further notice.

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

- (a) note that operators should switch on vehicle engines only when necessary and switch off the engines immediately after use to minimise air pollutants in the proposed exhibition hall;
- (b) make reference to the Practice Note on “Control of Air Pollution in Car Park” (ProPECC No. 2/96), which was available at the Environmental Protection Department’s website. The Practice Note provided information on the air quality standards in car parks; and
- (c) note that no further extension of time for the compliance with condition (c) would be granted unless under very exceptional circumstances.

[The Chairperson thanked Mr. David C.M. Lam and Ms. Donna Y.P. Tam, STPs/HK, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

[Professor Bernard V.W.F. Lim returned to join the meeting and Mr. Walter K.L. Chan left the meeting at this point.]

Kowloon District

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

would set an undesirable precedent for other similar applications in the area.

64. Members had no question on the application.

Deliberation Session

65. In response to the Secretary's enquiry relating to the two rejected similar applications for a tutorial school "in a same premises" as stated in paragraphs 5.2 and 10.1(a) of the Paper, Mr. Eric C.K. Yue clarified that the two similar applications were not related to the application premises but another premises in the vicinity as shown on Plan A-1 of the Paper.

66. The Committee noted that it was the established practice that tutorial school within residential building which had no separate access to the application premises from public roads would not be accepted.

67. 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 cause 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 buildings in the area which had no separate access to the application premises from public roads.

[Ms. Sylvia S.F. Yau left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K9/221 Eating Place (Café), Shop and Services
(Snack Shop and its Ancillary Store Room and Printing Station)
in “Other Specified Uses” annotated “Pier” zone,
Shops No. K2, K3, K4 and K5 at Lower Deck,
Hung Hom (North) Ferry Pier, Hung Hom
(MPC Paper No. A/K9/221)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eating place (café), shop and services (snack shop and its ancillary store room, and printing station) uses;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period which raised objection to the application with no reasons; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The applied uses were not incompatible with the ferry services and might provide convenience to the passengers. A similar application at the lower deck of the same pier had previously been approved by the Committee in 2002. The applied uses would unlikely cause disruption to the pier operation and passenger circulation and concerned Government departments had no objection to the application.

[Ms. Sylvia S.F. Yau returned to join the meeting at this point.]

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the submission and implementation of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note that prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) note the operation of food business required a food licence issued by the Food and Environmental Hygiene Department;
- (c) note that the applicant should continue the maintenance arrangement for the sewerage system of the Hung Hom (North) Ferry Pier at his own cost;
- (d) note that no alteration or installation works to the pier structure should be carried out except with the prior approval of the Director of Architectural Services; and
- (e) refer to paragraph 4.14 “Commercial Building-Low Rise” of the Codes of Practice for Minimum Fire Service Installations and Equipment.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K13/228 Shop and Services (Retail Shop and Real Estate Agency) in “Other Specified Uses” annotated “Business” zone, Portion of Workshop No. 8A (8A1, 8A2, 8A3, 8A4, 8A5 and 8A6), G/F, Kowloon Bay Industrial Centre, 15 Wang Hoi Road, Kowloon Bay
(MPC Paper No. A/K13/228)
-

Presentation and Question Sessions

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

- (a) background to the application - highlighting that the application premises was the subject of a previous application for the same use submitted by the same applicant which was approved temporarily for three years until 18.3.2008;
- (b) the shop and services (retail shop and real estate agency) use under application;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment in support of the application was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application or reasons as detailed in paragraph 11.1 of the Paper.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application, 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 safety measures, including provision of a means of escape separating the subject premises from the industrial portion and fire service installations in the subject premises, within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2008; 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.

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

- (a) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (b) appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the separation from the remaining portion of Workshop No. 8A with walls of 2 hours fire resistance period and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72; and
- (c) observe road restriction requirements in force when all loading/unloading activities were taking place.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K14/555 Proposed Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Workshops A, B and C, Units No. 1 and 2, Ground Floor,
11-13 Shing Yip Street, Kwun Tong
(MPC Paper No. A/K14/555)
-

Presentation and Question Sessions

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

- (a) background to the application - highlighting that the application premises was the subject of three previous approved applications for the same use submitted by the same applicant;
- (b) the proposed shop and services use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments in support of the application were received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application or reasons as detailed in paragraph 11.1 of the Paper.

77. Members had no question on the application.

Deliberation Session

78. The Committee considered that the application which complied with the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” zone was acceptable.

79. 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 2.11.2009, 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 provision of a means of escape separating each individual unit of the subject premises from the industrial portion 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 planning condition 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.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (b) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (c) appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the separation from the remaining workshop areas inside Workshop A near grid line 2-3/D-E (Drawing A-1) with walls of 2-hour fire resistance period and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72;
- (d) exercise proper care when working in the vicinity of existing drains and sewers in order not to disturb, interfere with or damage the drains and sewers. Any blockage or damage to the said works due to his/her activities in the area should be made good at his/her own cost to the satisfaction of the Director of Drainage Services; and
- (e) 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.

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One was from a Yau Tsim Mong District Councillor agreeing to the application while the other commenter said that he was unable to provide comments due to insufficient information; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

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

82. Members had no question on the application.

Deliberation Session

83. The Committee noted that the application premises was located within an industrial building and was not incompatible with the existing uses within the subject building.

84. After deliberation, the Committee decided to approve the application, 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 service installations and means of escape, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2008; 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.

85. The Committee also agreed to advise the applicant to :
- (a) note that prior planning permission should have been obtained before commencing the applied use at the application premises;
 - (b) apply to the District Lands Officer/Kowloon West, Lands Department for lease modification/waiver for the retail shop use at the premises; and
 - (c) to consult the Chief Building Surveyor/Kowloon, Buildings Department on the fire resisting construction requirements for the premises, the provision of fire resistance walls having a fire resistance period of not less than 1 hour separating the units, the reinstatement of the partition wall in the loading/unloading area and the provision of facilities for persons with disability.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K4/52 Proposed Minor Relaxation of Building Height
Restriction for Permitted Flat Development
in “Residential (Group C)1” zone,
16 Osmanthus Road, Shek Kip Mei
(MPC Paper No. A/K4/52)
-

Presentation and Question Sessions

86. Mr. P.C. Mok, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :
- (a) background to the application;
 - (b) the proposed minor relaxation of building height restriction from 10.67m to 13.2m to facilitate the redevelopment of the existing building into a 3-storey residential development over carport;
 - (c) departmental comments – the District Lands Officer/Kowloon West

objected to the application since the proposal was in breach of the building height restriction of not exceeding 35ft (i.e. 10.668m) under the lease and no lease modification would be allowed since the application site was under the Yau Yat Chuen Garden Estate building scheme. The Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) advised that the typical thickness of the structural floor slab was 0.1m - 0.125m, which was different from the applicant's requirements of 0.5m and 0.3m for structure and building services respectively;

- (d) six public comments were received from local residents during the statutory publication period of which five objected to and one had strong view on the application mainly on the grounds of setting an undesirable precedent, unfair to the owners of the adjacent developments and significant adverse visual and air ventilation impacts on the adjacent buildings; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. There was insufficient information to justify the proposed higher storey height and no information was provided in the submission to demonstrate there was design merit for the proposed relaxation of building height; and the approval of the application would set an undesirable precedent for other similar applications in this unique Yau Yat Chuen Garden Estate area.

87. Members had no question on the application.

Deliberation Session

88. A Member said that the application should not be supported as there was no design merit to justify the relaxation of building height restriction to such an extent of more than 20%. The reason put forward by the applicant on the thickness of the floor slab was not convincing in view of CBS/K, BD's comments. As a general issue, this Member remarked that consideration could be given to review the current building height restriction of 10.67m stipulated under the Outline Zoning Plan as it was rather restrictive by current standard. Nevertheless, planning applications for minor relaxation of the building height restriction should be considered on individual merits pending the outcome of such a review.

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

92. Members had no question on the application.

Deliberation Session

93. The Committee noted that the application complied with the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” zone.

94. After deliberation, the Committee decided to approve the application, 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 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2008; 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.

95. The Committee also agreed to advise the applicant to consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of alterations and additions proposal in respect of provision of access and facilities for persons with a disability and fire resisting construction to separate the application premises from other existing use of the same building.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2008; and
- (b) if the above condition of approval 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.

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

- (a) apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a temporary waiver to permit the applied use; and
- (b) consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans in respect of separation of the application premises from the remaining portion of the subject industrial building by proper fire resisting construction and implementation of the non-exempted building works, and the removal of all unauthorized building works/structures, if any, in the application premises.

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

Agenda Item 11

Any Other Business

100. There being no other business, the meeting was closed at 12:45 p.m..