

## **TOWN PLANNING BOARD**

### **Minutes of 368th Meeting of the Metro Planning Committee held at 9:00 a.m. on 22.2.2008**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Assistant Commissioner for Transport (Urban),  
Transport Department  
Mr. H.L. Cheng

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. C.W. Tse

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

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

Secretary

**Absent with Apologies**

Professor N.K. Leung

Mr. K.Y. Leung

Professor Paul K.S. Lam

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. C.T. Ling

Town Planner/Town Planning Board  
Ms. Karina W.M. Mok

**Agenda Item 1**

Confirmation of the Draft Minutes of the 367th MPC Meeting held on 1.2.2008

[Open Meeting]

1. The draft minutes of the 367th MPC meeting held on 1.2.2008 were confirmed without amendments.

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

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Decision Received

Town Planning Appeal No. 3 of 2007

Proposed Temporary Open Storage of Construction Materials  
for a Period of 3 Years in “Agriculture” Zone,

Lots 184RP, 186RP (Part) and 187RP (Part) in DD 52,

Sheung Shui Wah Shan Village, Sheung Shui

(Application No. A/NE-FTA/76)

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2. The Secretary reported that the captioned appeal was against the Town Planning Board (TPB)’s decision to reject on review an application (No. A/NE-FTA/76) for temporary open storage of construction materials for a period of 3 years on a site zoned “Agriculture” (“AGR”) on the Fu Tei Au and Sha Ling Outline Zoning Plan. The appeal was heard by the Town Planning Appeal Board (TPAB) on 13.12.2007 and allowed on 15.2.2008 for a shorter period of 2 years with conditions mainly on the following grounds :

- (a) there was no doubt that the access road had been used for a few years to serve the container handling yards and logistics companies on its north side and also the lot immediately east of the application site. The Appellant’s representative indicated that the application site would only be used for the storage of concrete pipes, and only light or medium lorries would be used

for transportation 2 or 3 times each day between 8:30 a.m. and 6:30 p.m. The Transport Department considered that such traffic would not adversely affect the existing traffic condition on the access road as caused by other vehicles now using the road;

- (b) there were only a few huts nearby along the side of the access road. In the circumstances, the TPAB took the view that allowing the Appellant to use the application site for the purpose and to the extent as stated by the Appellant's representative would not adversely affect the existing traffic on the access road or the environment of the area;
- (c) whilst the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" were to be taken into consideration, respected and not lightly to be departed from, the circumstances prevailing in the present case were quite unusual. In particular, the land owned by the Appellant and his co-owners had been cut into two portions on two sides of the access road with different zonings. The original zoning was to take into account the works to be carried out in altering the course of Ng Tung River. However, such works had been completed and the rationale behind the zonings had become inapplicable or not wholly applicable. The Government might possibly reconsider the zoning of land south of the access road;
- (d) the TPAB was confident that the decision would not open the flood-gate for other applications relating to other lots in the area because of the unique circumstances in the present case; and
- (e) the TPAB made it clear that every case must be decided on its own facts and in light of all the prevailing circumstances. It was fully open for the TPB/Planning Department to monitor the situation in the next two years and take the same into account in considering any other application and any future application for renewal of permission.

3. The Secretary said that a copy each of the Summary of Appeal and the TPAB's

decision for the appeal case had been sent to Members for reference.

(b) Town Planning Appeal Statistics

4. The Secretary reported that as at 22.2.2008, 12 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	21
Dismissed	:	106
Abandoned/Withdrawn/Invalid	:	127
Yet to be Heard	:	12
<u>Decision Outstanding</u>	:	<u>4</u>
Total	:	270

**Tsuen Wan and West Kowloon District**

[Mr. Louis K.H. Kau, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K20/2                      Application for Amendment to the  
Draft South West Kowloon Outline Zoning Plan No. S/K20/20  
from “Residential (Group A)1”  
to “Government, Institution or Community” or “Open Space”,  
Kowloon Inland Lot 11146,  
Hoi Fai Road, West Kowloon Reclamation  
(MPC Paper No. Y/K20/2)

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5. The Secretary reported that the owner of the application site, Sun Hung Kai

Properties Ltd. (SHKP), had submitted a public comment on the application. Dr. Greg C.Y. Wong, Mr. Raymond Y.M. Chan and Mr. Felix W. Fong, having current business dealings with SHKP, had declared interests in this item. Ms. Maggie M.K. Chan also declared an interest in this item as she lived in a flat near the application site whose views would be affected by buildings to be erected on the application site.

[Dr. Greg C.Y. Wong, Mr. Raymond Y.M. Chan, Mr. Felix W. Fong and Ms. Maggie M.K. Chan left the meeting temporarily at this point.]

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

### Presentation and Question Sessions

6. Mr. Louis K.H. Kau, STP/TWK, and the following applicants were invited to the meeting at this point :

Dr. Au-yeung Chi-shing

Mr. Lai Shiu-nin

7. The Chairperson extended a welcome and explained the procedures of the hearing. Mr. Louis K.H. Kau was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Mr. Kau did so as detailed in the Paper and made the following main points :

- (a) the application site at Kowloon Inland Lot (KIL) 11146 was zoned “Residential (Group A)1” (“R(A)1”) with restrictions of a maximum domestic and non-domestic plot ratio (PR) of 6.5 and 1.0 respectively on the draft South West Kowloon Outline Zoning Plan (OZP) No. S/K20/20. The applicant proposed to rezone the application site from “R(A)1” to “Government, Institution or Community” (“G/IC”) or “Open Space” (“O”). No specific development proposal was included in the application. The applicant’s justifications were highlighted as per paragraph 2 of the Paper;
- (b) the background information regarding the application site was detailed in paragraph 4 of the Paper. The application site involved three previous

rezoning requests from “R(A)1” to “O” or “G/IC”. It was also the subject of a previous section 12A application (No. Y/K20/1) to reduce the maximum permissible domestic PR of the site from 6.5 to 5.0, to introduce a building height limit of 30m to a strip of land of about 10m along the northern site boundary, and to require the submission of an air ventilation assessment (AVA) for the proposed development at the application site. All three rezoning requests and the section 12A application were not agreed by the Committee on similar grounds as detailed in paragraph 5 and Appendix IV of the Paper;

- (c) the characteristics of the application site and its surrounding areas were detailed in paragraph 7 of the Paper;

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

- (d) departmental comments were highlighted as per paragraph 9 of the Paper. The District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD) objected to the application as the application site had been sold and the development intensity as permitted under the Conditions of Sale had been reflected in the sale price. Approval of the application would affect the permissible development intensity and impose additional development restrictions. The purchaser might claim for loss. The Director of Social Welfare (DSW) had reservation on the application. Funding had been secured for the construction of a Residential Care Home for the Elderly (RCHE) at the application site, but RCHE was not permitted in “O” zone and might not be compatible with other government, institution or community (GIC) uses. No objection or adverse comments from other concerned Government departments were received;
- (e) a total of 47 public comments were received during the statutory publication period. 43 commenters supported the application mainly on the grounds that buildings to be erected on the application site would block views/sea breeze, jeopardise public health and aggravate the “wall effect”, air pollution and traffic congestion problems. There was also insufficient

open space provision in the area. Two other commenters raised similar concerns on air quality, health and environmental problems. The remaining two commenters, including the owner of the application site, objected to the application. The grounds of objection mainly included infringement on the entitlement of the owner, contravention of the planning intention, wastage of valuable urban land resources, and similar previous applications had been rejected by the Committee; and

- (f) the Planning Department (PlanD) did not support the application for the reasons as detailed in paragraph 11 of the Paper. The use and development parameters of the application site on the OZP were established based on technical assessments. As regards development intensity, the plot ratio for the application site was 7.5, less than that of similar developments in the other areas of Kowloon. There were various view corridors in the area, such as the Cherry Street as well as the “O” and “G/IC” sites. According to the Hong Kong Planning Standards and Guidelines (HKPSG), about 20 ha of open space would be required to serve the planned population of 107,500 in the West Kowloon Reclamation (WKR) area that fell within the boundaries of the Yau Tsim Mong (YTM) District Council. The 41.5 ha of planned open spaces in the same area were sufficient to meet the residents’ needs. There was also no requirement for reserving the application site solely for GIC uses. As such, there was no strong planning justification to rezone the application site from “R(A)1” to “G/IC” or “O”.

8. Mr. Louis K.H. Kau said that a letter dated 20.2.2008 from one of the commenters, the Customer Service Centre of One SilverSea, was received clarifying that its previous comment made in support of the application represented the view of the Owners’ Committee of One SilverSea only. A copy of the said letter had been sent to Members on 21.2.2008 and tabled at the meeting.

9. The Chairperson then invited the applicants to elaborate on the application. With the aid of a Powerpoint presentation, Dr. Au-yeung Chi-shing made the following main points :

- (a) the local communities had been raising concerns on “wall effect” problem and taking actions to protect the air, sunlight and view corridors in the area through meetings with the Government, media and political parties, petitions, judicial review, rezoning requests and participation in competition held by the Council for Sustainable Development. The YTM District Council had passed motions twice in support of the local residents’ request for rezoning and withholding the sale of the application site. An environmental assessment for the Tai Kok Tsui area, including KIL 11146 and WKR, was currently undertaking by a research institute, but the results were yet to be available;
- (b) despite the above efforts, the planning problems in relation to KIL 11146 had not yet been resolved. It was considered that the Town Planning Board (TPB), in discharging its statutory planning duties, had not been able to meet the objectives of the Town Planning Ordinance and follow the Urban Design Guidelines for this waterfront site;
- (c) photographs showing the previous and existing conditions of the Tai Kok Tsui area were shown at the meeting. Compared with the old days, many high-rise buildings had now been built, blocking air, sunlight and views as well as bringing more traffic to the area. KIL 11146 was the last ventilation opening in the area. When buildings were erected on KIL 11146, there would be a concrete wall of tall buildings of about 450m in length. Other “wall-like” buildings in the Tai Kok Tsui area were cited. A new “walled city” was emerging, causing a threat to the sustainable development of Hong Kong;
- (d) the domination of “wall-like” buildings at the waterfront was inconsistent with the Urban Design Guidelines published in November 2002. It was, however, noted that the Government was liaising with the Mass Transit Railway Corporation Limited (MTRCL) on reviewing the development intensity and/or improving the layout of the property developments above railway depots and stations, including the one at West Rail Nam Cheong

Station;

- (e) the use of the subject site for residential use was based on the “West Kowloon Reclamation – Planning and Urban Design Report” completed in 1992. However, that Study was outdated. For example, only a few sites with tall buildings and landmarks in the WKR area were recommended under the Study, but many high-rise buildings had been built now. This seemed to suggest that the findings of the Study had been selectively adopted in that the residential use of KIL 11146 was maintained, but not the building height of developments;
- (f) paragraph 4.6 of the Paper stated that the recommended maximum building height of 140mPD for KIL 11146 was based on various considerations, including the view fan of the vantage point at Sun Yat Sen Memorial Park. This illustrated that PlanD had selectively adopted the Urban Design Guidelines in using “ridgeline protection” to justify the recommended maximum building height of 140mPD at KIL 11146. Other relevant urban design guidelines for the waterfront areas as detailed in the Urban Design Guidelines were, however, not adopted;
- (g) as regards consultation, paragraph 4.2 of the Paper stated that no objection was received when the proposed amendments to the OZP involving the rezoning of KIL 11146 from “R(A)2” to “R(A)1” with the maximum domestic and non-domestic plot ratios increased from 5.5 and 1.5 to 6.5 and 1.0 respectively were gazetted in 1998. At that time, the WKR was still a new area. Population intake of the first residential development in the area, the Island Harbourview, started only in around 2000;
- (h) one of the rejection reasons for the previous rezoning requests was that the open space provision in the area was adequate. However, the quality of the open spaces was poor. Many were long and narrow strips of land abutting major roads or built on drainage reserves/nullahs, which could at best be regarded as green belt or sound barrier only. According to an overseas research report, children who frequently stayed in such parks

would have lower intelligent quotient score. There were also concerns on the uneven distribution of and linkages to open spaces. The major open spaces in the area such as the Nam Cheong Park were located far away and difficult to access due to the presence of the West Kowloon Highway and other major roads. Nearby open space that could be enjoyed by the local residents was the narrow strip of waterfront promenade only;

- (i) the proposed 15m wide building separation under the previous section 12A application (No. Y/K20/1) was challenged and turned down by the Committee at its meeting on 24.8.2007. The applicants were pleased to note that the developer of KIL 11146 had agreed at building plan submission stage to provide a 10m wide gap between the proposed development at the application site and the adjacent buildings to its north at the Long Beach, albeit that there was query on whether that width was sufficient to address the “wall effect” problem;
- (j) the purpose of the application was not really a demand for more open space or GIC uses, but rather to save the last air, sunlight and view corridors at KIL 11146. Such public assets were not protected by any ordinance. It was hoped that the TPB could request the Government to undertake an environmental assessment for the Tai Kok Tsui area, including WKR and KIL 11146, as the planning circumstances had changed drastically since the completion of the “West Kowloon Reclamation – Planning and Urban Design Report” in 1992. The TPB should also undertake to protect the air, sunlight and view corridors in other areas of Hong Kong; and
- (k) the TPB was charged with the statutory function, under section 3 of the Town Planning Ordinance, to prepare statutory town plans with a view to promoting health, safety, convenience and general welfare of the community. Whether the developer would claim for loss arising from approving the application as stated in DLO/KW, LandsD’s comments should not be the Committee’s concern.

10. Mr. Lai Shiu-nin supplemented that he had been living in the older parts of the

Tai Kok Tsui area and serving the local community for years. In recent years, traffic volume in the area had been increasing and yet dispersal of emissions from vehicles was slower after the “wall-like” buildings at the waterfront were built. His health had been adversely affected with the deterioration in air quality. He hoped that the TPB could understand the importance of health and the feelings of the local residents about the problems of “wall effect” brought about by high-rise developments in the area.

11. Noting that the applicants had raised concerns on the accessibility and uneven distribution of open spaces, a Member asked about the current situation and the reasons behind. With the aid of a plan, Mr. Louis K.H. Kau illustrated the distribution of district and local open spaces in the area. It was highlighted that a site had already been reserved for district open space purpose to the north of the Long Beach across Hoi Fan Road. However, it had not yet been implemented by the Director of Leisure and Cultural Services (DLCS). At present, the local residents could gain access to the completed portion of the waterfront promenade. They could also reach the Nam Cheong Park via a footbridge spanning across the West Kowloon Highway. In response to another Member’s question, Mr. Kau replied that there was yet a definite implementation programme for the reserved “O” site north of the Long Beach.

12. Dr. Au-yeung Chi-shing said that apart from the distance problem, the quiet environment of the open spaces had also deterred the residents from going there. He further pointed out the waterfront promenade was broken as the portion bordering KIL 11146 was yet to be implemented by the concerned developer. Besides, the Government could consider swapping the land uses between the reserved “O” site and KIL 11146. Mr. Louis K.H. Kau said that there were existing industrial uses at a site zoned “Industrial” along Yen Chau Street West. The reserved “O” site together with the “G/IC” sites nearby could serve as buffer separating residential and industrial uses. In response, Dr. Au-yeung said that if the reserved “O” site was not considered suitable for residential use in environmental terms, why Hampton Place, suffering from noise and odour problems caused by ship operations in the typhoon shelter, would be developed for residential use. Moreover, the heavy traffic along Hoi Fan Road generated by godown activities in the area had also generated traffic noise problem. Another example was the Harbour Green, being abutting major roads and susceptible to traffic noise, was allowed to convert from hotel to residential use.

13. The Chairperson remarked that the Government was aware that there was a growing community concern over the “wall effect” problem caused by high-density buildings. To meet the Chief Executive’s pledge for a quality city environment in the 2007-08 Policy Address, the TPB was conducting comprehensive review of the OZPs of various districts progressively with a view to responding to calls from the community for lower development intensity.

14. As the applicants had no further points to add 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 applicants of the Committee’s decision in due course. The Chairperson thanked the applicants and PlanD’s representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

15. Members noted that the Committee had previously considered three rezoning requests and a section 12A application for the application site. All relevant planning factors had been thoroughly and seriously considered. Since then, there had been no major change in the planning circumstances. Notwithstanding, Members noted and understood the strong local concerns on the “wall effect” brought about by high-density developments composing of tall and compact buildings in the area. The applicants’ effort to submit the application on a voluntary basis expressing their concerns on “wall effect” was appreciated.

16. The Chairperson said that historically, given the scarce land resources and hilly topography, the urban areas had in general resorted to a highly compact form of development to cater for the housing and social needs of the population and economic growth. With the growing community aspiration for a quality living environment, the “wall effect” problem was more keenly felt. Constrained by the existing street layout and built developments, it was not always possible to re-plan the urban fabric to meet new expectations. Yet, the Government had made efforts in recent years to enhance the understanding of the air ventilation issue and undertake measures to respond to the community’s concern. For example, in 2005, PlanD completed the Feasibility Study for the Establishment of Air Ventilation Assessment (AVA) System. In July 2006, the Government issued a joint

technical circular to provide clear guidelines on matters concerning AVA. Chapter 11 of the HKPSG on the Urban Design Guidelines was revised in August 2006 to add in the air ventilation guidelines for the planning and design of property developments. The TPB was reviewing OZPs progressively to stipulate appropriate development restrictions. Such measures would help address the community's concern on "wall effect" problem.

17. A Member said that apart from building height, distance between buildings and podium size were also crucial factors in affecting the air ventilation. The Chairperson remarked that the OZP might not be the most suitable tool for the control of the design of individual buildings. As building design and layout were largely governed by the Buildings Ordinance (BO), the BO might need to be reviewed and, where appropriate, amended to give regard to air ventilation factor in respond to growing community concern on "wall effect" problem. In response to the same Member's question, the Chairperson confirmed that the proposed 10m wide non-building area at the northern side of KIL 11146 was provided voluntarily by the developer.

18. As regards the local concerns on open space, a Member asked if there were any guidelines governing the location and distribution of open spaces. The Chairperson replied that according to the HKPSG, district and local open spaces were planned on the basis of 1m<sup>2</sup> per person to meet the recreation needs of the population. District open spaces were generally larger in size to serve the district need whereas local open spaces were smaller in size and located within short walking distance from the residents it intended to serve. On top of that, there might also be open spaces provided within the private or public housing developments. For the WKR area, sufficient district and local open spaces had been planned and reserved on the OZP. However, their implementation would be determined by DLCS subject to resources availability and priority. In response to the local concerns and for early realisation of the planning intention, a Member considered that the DLCS should be urged to expedite the implementation of the reserved "O" site to the north of the Long Beach. Another Member added that the DLCS should also provide a definite implementation programme for the site. Other Members shared the same views.

19. A Member said that another issue of local concern raised by the applicants was on poor connectivity between residential sites and open spaces. In response to the Chairperson's questions, Mr. H. L. Cheng, Assistant Commissioner of Transport (Urban),

Transport Department (AC of T/Urban, TD) said that in planning for open spaces, TD should provide comments on the pedestrian linkage requirements, which would be dependent on various factors including the design, layout and access points of the open spaces. For the WKR area, he agreed that TD would review the pedestrian routes and accessibility to open spaces with a view to identify improvement measures.

20. Members agreed that the Secretariat should relay the Committee's concerns as stated in paragraphs 18 and 19 above to DLCS and TD respectively.

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

21. After deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) since the OZP was established after the completion of various technical studies undertaken by the Government and had gone through all the necessary statutory planning making procedures with no objection received at that time, the residential use of the application site and its maximum development intensity control were considered appropriate and acceptable in environmental and traffic terms;
- (b) the amount of public open space which had been planned in West Kowloon Reclamation within the Yau Tsim Mong district was sufficient to meet the demand of the existing and planned population of the same area. There was no strong planning justification to rezone the application site from "Residential (Group A)1" ("R(A)1") to "Open Space"; and
- (c) there was no requirement for reserving the application site solely for Government, institution or community uses. There was no strong planning justification to rezone the application site from "R(A)1" to "Government, Institution or Community".

[Dr. Greg C.Y. Wong, Mr. Raymond Y.M. Chan, Mr. Felix W. Fong and Ms. Maggie M.K. Chan returned to join the meeting at this point.]

[Ms. Starry W.K. Lee left the meeting temporarily at this point.]

[Mr. Walter K.L. Chan left the meeting at this point.]

[Mr. P.C. Mok, STP/TWK, was invited to the meeting at this point.]

#### **Agenda Item 4**

##### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/K5/652           Shop and Services (Showroom with Ancillary Office)  
in “Other Specified Uses” annotated “Business” zone,  
Workshop 1, G/F, Premier Centre,  
20 Cheung Shun Street,  
Cheung Sha Wan  
(MPC Paper No. A/K5/652)
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##### **Presentation and Question Sessions**

22.           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 shop and services (showroom with ancillary office) use;
- (c) departmental comments – no objection from concerned Government departments, including the Director of Fire Services (D of FS), was received. D of FS advised that the applied use would not be included in the calculation of the aggregate commercial floor area limit of 460m<sup>2</sup> on the ground floor of the subject industrial building with sprinkler systems;
- (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 had no objection to the application for the reasons as detailed in paragraph 11 of the Paper, mainly in that the applied use was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and complied with the Town Planning Board Guidelines No. 22D for “Development within “OU(B)” zone”. It was not incompatible with the uses of the subject industrial building and would unlikely generate adverse traffic or environmental impacts on the surrounding areas. There was no material change in planning circumstances since the approval of the previous application (No. A/K5/620) on 15.9.2006 for shop and services use at the application premises.

23. Members had no question on the application.

#### Deliberation Session

24. 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 service installations in the application 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 22.8.2008; 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.

[The Chairperson thanked Mr. P.C. Mok, STP/TWK, for his attendance to answer Members' enquiries. Mr. Mok left the meeting at this point.]

[Ms. Maggie M.K. Chan left the meeting temporarily at this point.]

[Mr. Y.S. Lee, STP/TWK, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/KC/334 Proposed Religious Institution (Church)  
in “Other Specified Uses” annotated “Business” zone,  
Unit 102, 1/F, Riley House,  
88 Lei Muk Road,  
Kwai Chung (Lot 937 in DD 450)  
(MPC Paper No. A/KC/334)
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Presentation and Question Sessions

25. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (church) use;
- (c) departmental comments – the Director of Fire Services (D of FS) advised that the proposed use was not acceptable from life and fire safety points of view as it would attract unreasonably large number of persons whose nature of activities was unrelated to the intended use of the subject industrial building. The Director of Environmental Protection (DEP) did not support the application because the proposed use was a noise and air sensitive receiver. Allowing such use in an industrial building would introduce an environmental interface problem in terms of noise and air quality. The Director General of Trade and Industry (DG of TI) had reservation on the application as the proposed use was not in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone which was primarily for general employment uses;
- (d) a public comment having no comment on the application was received during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of the “OU(B)” zone and was considered not compatible with the industrial uses within the subject building. Environmental interface problems would be created between the proposed church and the existing industrial uses in the subject building. The proposed church would also attract large number of visitors who were not working within the subject industrial building and exposed them to fire risk. Approval of the application would set an undesirable precedent for other similar applications for religious institution in the “OU(B)” zone.

26. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed religious institution (church) was not in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone which was primarily for general business uses;
- (b) the proposed use was not acceptable from life and fire safety points of view;
- (c) the proposed use would introduce an environmental interface problem between the sensitive nature of the proposed church and the existing industrial uses in the subject industrial building in terms of noise and air quality; and
- (d) the approval of the application would set an undesirable precedent for other similar applications for religious institution in the “OU(Business)” zone.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii)           A/TY/102                   Temporary Concrete Batching Plant  
for a Period of 3 Years  
in “Industrial” zone,  
Tsing Yi Town Lot 108RP(Part), Tsing Yi  
(MPC Paper No. A/TY/102)
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28.           The Secretary reported that the application was submitted by the Hong Kong United Dockyards Ltd. which was a joint venture of the Hutchison Whampoa Ltd. (HWL) and the Swire Pacific Ltd. (SPL). Dr. Greg C.Y. Wong and Mr. Felix W. Fong had declared interests in this item as they had current business dealings with the HWL. Mr. Raymond Y.M. Chan had also declared an interest in this item for having current business dealings with the SPL.

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

Presentation and Question Sessions

29.           Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary concrete batching plant for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) advised that the existing traffic conditions at critical road junctions affected by the applied use remained tolerable and would remain so in the short term. The Director of Environmental Protection (DEP)

advised that no adverse environmental impact was anticipated from the operation of the concrete batching plant, which was a Specified Process and hence subject to control under the Air Pollution Control Ordinance. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the site had been formed with no existing trees inside. The landscape proposal was considered acceptable in general to provide effective screening to the adjacent planned recreation and tourism-related uses;

- (d) a total of 5 public comments were received during the statutory publication period. Their comments were highlighted as per paragraph 10 of the Paper. In brief, a Kwai Tsing District Councillor raised concerns on the possible environmental impacts arising from the plant operations. Two other Kwai Tsing District Councillors considered that the approval period should be shortened to 1 year. A member of the general public objected to the application for environmental and traffic reasons. A solicitor on behalf of his clients and other residents of Tsing Yi Island objected to the application mainly for the reasons that the application was in breach of the Government lease; the applied use was not in line with the planning intention of the subject “Industrial” (“I”) zone; the adjacent asphalt production plant was not an independent structure and hence approval of the application amounted to de facto permission to the asphalt production plant of which the Board had no provision to grant and the use had not been assessed in the current application; and there were queries on the effectiveness of the landscape proposal and on accuracy of the applicant’s information which would have implications on the actual environmental and traffic impacts generated by the concrete batching plant; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary concrete batching plant could be tolerated for a period of 3 years for the reasons as detailed in paragraph 11 of the Paper, mainly in that the application site was situated in an established special industrial area with neighbouring industrial-related operations such as shipyards, oil depots, warehouses, etc. It was also located at the relatively remote part of the

Tsing Yi west. The high hills at Tsing Yi central could serve as a buffer between the site and the residential areas in the north-eastern part of Tsing Yi. To address the Committee's concerns in rejecting the previous application No. A/TY/101, the applicant had revised the proposal to apply for temporary approval of the concrete batching plant for 3 years under the current application. Since the current application was for temporary approval and there was no known development programme for the adjacent "Other Specified Uses" ("OU") annotated "Recreation and Tourism Related Uses" site, approving the application would not frustrate the long-term planning intention of the subject "I" zone and would not undermine the realisation of the planning intention of the adjacent "OU" site. Landscape proposals had also been included in the current application to provide buffer and screening to the adjacent "OU" site. With respect to the environmental, traffic and landscape concerns raised by the commenters, AC for T/NT, TD, DEP and CTP/UD&L, PlanD had no adverse comments on the application. As regards the other concerns raised by the solicitor, the terms and conditions of the land grant were land matters which should be dealt with separately under lease. While the asphalt production plant was outside the scope of the current application, the applicant had indicated that the production materials for the concrete batching plant were transported to the application site by conveyor barges with the conveyor system connecting directly to the concrete batching plant. As such, the concrete batching plant could be sustained independently.

30. Members had no question on the application.

#### Deliberation Session

31. A Member raised concerns on whether landscape planting, which took years to mature, would be the most effective means in addressing the potential visual impact of the concrete batching plant, particularly for the adjacent "OU" site for recreation and tourism related uses. Another Member shared the view that provision of landscape planting might not be effective in bringing significant improvement to the environment.

32. Mr. Y.S. Lee said that CTP/UD&L, PlanD had no objection to the application from landscape and urban design points of view. Referring to Drawings A-3 to A-5 of the Paper, Mr. Lee continued to say that trees together with scrubs/groundcover would be planted at or near the eastern edge and along the hill slope at the northern edge of the application site. For the remaining part of the northern edge, two rows of *Casuarina equisetifoli* and *Hibiscus tiliaceus* would be planted interstitially, which would be extended along part of the western edge. CTP/UD&L, PlanD estimated that the desired screening and greening effect could be achieved in about five years or less. According to the applicant's landscape proposal, the structures of the concrete batching plant would also be painted in deep green colour. As regards the adjacent "OU" site, Mr. Lee explained that the site was intended for low-density and low-rise recreation and tourism uses such as resort hotel, public recreational uses and other tourist attractions. Given the large land area of the "OU" site and its low permissible development intensity, there should be sufficient land within the "OU" site to provide suitable buffer from the concrete batching plant.

33. For better screening effect, a Member suggested that the applicant should explore widening the width of the proposed landscape planting and planting trees on berms. The Chairperson said that the suggestions could be taken into account in examining the landscape proposals to be submitted by the applicant as required in the approval condition. Members agreed.

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 22.2.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.8.2008;
- (b) in relation to (a) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2008; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by

the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the Committee's concerns regarding the landscape proposals and for better screening effect, explore further measures e.g. widening the width of the proposed landscape planting and planting trees on berms in the landscape proposals to be submitted by the applicant as required in the approval condition;
- (c) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a new temporary waiver for the concrete batching plant;
- (d) to ensure that the trucks carrying concrete would not leave excessive dust on the nearby public roads to avoid increasing the maintenance workload to the Government;
- (e) to check with the Regional Office (West) of Environmental Compliance Division of Environmental Protection Department for the renewal of the Specified Process Licence for the operation of the concrete batching plant; and
- (f) the applicant and his contractors should liaise directly with CLP Power Hong Kong Limited on the power supply to the site and the necessary relocation/protection of the existing 11kV substation within the site such that the safety and reliability of the power supply system would not be affected; and to observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) regulation when carrying out works in the vicinity of the electricity supply lines.

[The Chairperson thanked Mr. Y.S. Lee, STP/TWK, for his attendance to answer Members' enquiries. Mr. Lee left the meeting at this point.]

[Dr. Greg C.Y. Wong, Mr. Felix W. Fong, Mr. Raymond Y.M. Chan, Ms. Starry W.K. Lee and Ms. Maggie M.K. Chan returned to join the meeting at this point.]

[Miss Erica S.M. Wong, STP/TWK, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv)           A/TWW/89           Proposed House Development at Plot Ratio of 1.2  
in "Residential (Group C)2" zone,  
Lots 414RP and 415 in DD 399,  
Ting Kau, Tsuen Wan  
(MPC Paper No. A/TWW/89)
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#### Presentation and Question Sessions

36.           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, highlighting that the application site was the subject of four previous approved applications or applications for minor amendments to the approved scheme (No. A/TWW/73, A/TWW/73-2, A/TWW/73-4 and A/TWW/86) as well as one rejected application (No. A/TWW/88). They were all for proposed house development subject to the development parameters as detailed in paragraph 1.4 and Appendix II of the Paper;
- (b)   the proposed house development at plot ratio of 1.2;
- (c)   departmental comments – the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) advised that lease modification would be required for the proposed development. The Chief Town Planner/Urban Design and Landscape, Planning Department

(CTP/UD&L, PlanD) considered that both the quantity and quality of the proposed landscape areas were improved when compared with that of the previously approved Application No. A/TWW/86;

- (d) during the statutory publication period, one public comment was received from the owner of Lot 416RP in DD 399 providing comments on the proposed drainage and sewerage arrangements as well as the possible mitigation measures to minimize the environmental impacts caused by the proposed roof-top car parks; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. The proposed house development with a plot ratio of 1.2 was in line with the planning intention of the subject “Residential (Group C)2” zoning on the Outline Zoning Plan (OZP). The applicant had demonstrated that suitable mitigation measures would be provided to address the traffic noise impact from Castle Peak Road. The Director of Environmental Protection (DEP) had no objection to the application after considering the noise impact assessment. To address the Committee's concerns in rejecting the previous Application No. A/TWW/88, the current layout was relatively less congested with the reduction in the number of houses from 19 to 11. More proper functional landscape areas would be provided. Although car parking area remained on the roof-top of the houses in the lower row, the total number of parking spaces had been reduced from 20 to 14 and a solid 1.1m tall solid parapet wall would be provided to minimise the environmental nuisance to the surrounding sensitive receivers. The technical issues raised by the concerned Government departments and the commenter could be addressed during the building plan submission stage or by imposing appropriate approval conditions.

37. Members had no question on the application.

### Deliberation Session

38. Two Members considered the landscape proposal under the current application unsatisfactory. Referring to Drawing A-2 of the Paper, the row of trees between the houses and the retaining wall would be grown in a rather congested space. This would hinder the penetration of sunlight for the healthy growing of the planted trees. One of the Members suggested that the applicant could explore locating Houses No. 1 to 5 further away from the retaining wall in order to allow a wider space for proper tree planting. Miss Erica S.M. Wong said that as compared with the previously rejected scheme under Application No. A/TWW/88, the current scheme had allowed more proper landscaping/planting areas as detailed in paragraph 2.4 of the Paper. Besides, there was little scope to move Houses No. 1 to 5 away from the retaining wall due to the presence of the proposed 6m wide emergency vehicular access in front. In response to another Member's enquiry on the width reserved for the entire row of trees in front of the retaining wall and by referring to Figure 11A of Appendix 1b and Drawings A-3 and A-4 of the Paper, Miss Erica S.M. Wong said that the width was about 1.5m. The same Member further sought clarification on the footprint of Houses No. 1 to 5 on Figure 11A of Appendix 1b. Miss Wong replied that the footprint of these houses included both the yellow area and the surrounding green-hatched-black area. The latter was the proposed shrub areas on the roof top of Houses No. 1 to 5.

39. Members generally considered that the landscape proposal under the current scheme was not satisfactory. Given the site constraints, a development scheme with only 2-storey houses would unavoidably result in relatively large site coverage of development and less space for satisfactory landscaping/planting areas. It was noted that the proposed site coverage under the current scheme was 50% greater than that of the previous approved schemes under Applications No. A/TWW/73-4 and A/TWW/86. Members also considered that there was scope to improve the layout of the proposed development. For example, the applicant could consider reducing the number of houses or providing a combination of 2 to 3-storey houses, the latter was permissible under the approved Tsuen Wan West Outline Zoning Plan No. S/TWW/17. Another Member noted that although CTP/UD&L, PlanD had no strong view on the application from urban design perspective, a combination of 2 to 3-storey houses was also considered more appropriate for the proposed development given the site constraints.

40. After deliberation, the Committee decided to reject the application and the reason was that the layout of the proposed development was considered unsatisfactory and the proposed landscaped areas were very narrow which would not be functional or practical for proper landscape planting.

[The Chairperson thanked Miss Erica S.M. Wong, STP/TWK, for her attendance to answer Members' enquiries. Miss Wong left the meeting at this point.]

### **Kowloon District**

#### **Agenda Item 5**

##### **Section 12 Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/K10/1                      Application for Amendment to the  
Draft Ma Tau Kok Outline Zoning Plan No. S/K10/19  
from "Other Specified Uses" annotated  
"Commercial Development with Public Vehicle Park"  
to "Comprehensive Development Area",  
or "Other Specified Uses" annotated "Residential Development with  
Community Facilities and Public Vehicle Park",  
or "Residential (Group A) 2",  
128 Carpenter Road, Kowloon City  
(MPC Paper No. Y/K10/1)

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##### **Presentation and Question Sessions**

41. The Secretary reported that the application site was a subject of the proposed amendments incorporated in the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/19 which was gazetted under section 5 of the Town Planning Ordinance for representations until 18.3.2008. In order not to pre-empt the Town Planning Board's consideration of adverse representation relevant to the subject site, if any, to be received during the exhibition period of the draft OZP, the Planning Department (PlanD) considered that it would be prudent to

consider the application only when the application site was not subject to any adverse representation which could only be ascertained after the expiry of the exhibition period. As such, it was proposed to defer consideration of the case, which was in accordance with the Town Planning Board Guidelines No. 33 on “Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance”.

#### Deliberation Session

42. After deliberation, the Committee decided to defer a decision on the application. The Committee also agreed that the application would be submitted to the Committee for consideration, where appropriate, after the Town Planning Board had received no adverse representation relevant to the subject site or after the Chief Executive in Council’s decision on the adverse representation, if received, had been made.

#### **Agenda Item 6**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/224            Proposed Residential and Retail Development and  
Minor Relaxation of Building Height Restriction  
in “Comprehensive Development Area (2)” zone,  
7 Mok Cheong Street and 70-78 Sung Wong Toi Road,  
Ma Tau Kok (KIL 7628 and 10578)  
(MPC Paper No. A/K10/224)

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#### Presentation and Question Sessions

43. The Secretary reported that the application site was a subject of the proposed amendments incorporated in the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/19 which was gazetted under section 5 of the Town Planning Ordinance for representations until 18.3.2008. In order not to pre-empt the Town Planning Board’s consideration of adverse representation relevant to the subject site, if any, to be received during the exhibition period

of the draft OZP, the Planning Department (PlanD) considered that it would be prudent to consider the application only when the application site was not subject to any adverse representation which could only be ascertained after the expiry of the exhibition period. As such, it was proposed to defer consideration of the case, which was in accordance with the Town Planning Board Guidelines No. 33 on “Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance”.

#### Deliberation Session

44. After deliberation, the Committee decided to defer a decision on the application. The Committee also agreed that the application would be submitted to the Committee for consideration, where appropriate, after the Town Planning Board had received no adverse representation relevant to the subject site or after the Chief Executive in Council’s decision on the adverse representation, if received, had been made.

[Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

[Mr. James Merritt left the meeting at this point.]

#### **Hong Kong District**

[Ms. Lily Y.M. Yam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

#### **Agenda Item 7**

[Open Meeting (Presentation and Question Sessions Only)]

Request for Deletion of Approval Condition  
with Regard to Proposed Salt Water Pumping Station,  
Cyberport Development,  
“Other Specified Uses” annotated “Cyber-Port” zone,  
Telegraph Bay, Pok Fu Lam  
(MPC Paper No. 10/08)

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45. The Secretary reported that Mr. Leslie H.C. Chen had declared an interest in this item as he lived near the Cyberport development. As the view of his flat would not be affected by the proposed salt water pumping station under consideration, Members agreed that he could stay in the meeting.

#### Presentation and Question Sessions

46. Ms. Lily Y.M. Yam, STP/HK, presented the item and covered the following aspects as detailed in the Paper :

- (a) background to the item - Application No. A/H10/30 for a comprehensive development comprising hotel, commercial/retail facilities, office and residential uses for the whole Cyberport development (including Sub-areas 1 to 5) was approved with conditions by the Town Planning Board (TPB) on 14.1.2000. In the approved scheme, a one-storey high salt water pump house/pumping station of around 9m high would be provided at a site within Sub-area 3. Approval condition (d) specified “the submission and implementation of detailed landscaping proposals including the external colour scheme for the salt water pump house to the satisfaction of the Director of Planning or of the Town Planning Board”. This condition was applicable to all the subsequently approved applications for amendments or minor amendments to the approved scheme;
- (b) on 18.12.2007, the applicant requested to delete approval condition (d) for the reasons as detailed in paragraph 2 of the Paper, in that the Water Supplies Department (WSD) had commissioned a consultant to take up the design and implementation of a salt water supply system including the proposed Cyberport salt water pumping station. Since the developer/applicant had no control nor involvement in the design of the subject pumping station, approval condition (d) was no longer applicable to the Cyberport development. According to legal advice, section 46 of the Interpretation and General Clauses Ordinance provided the legal power for the TPB to deal with deletion/variation of approval conditions;

- (c) departmental comments – the Chief Engineer/Consultants Management, Water Supplies Department (CE/CM, WSD) confirmed that the proposed Cyberport salt water pumping station formed part of the Government project of the salt water supply system for Pok Fu Lam area. A consultant had been commissioned to take up the design and implementation of the whole project. The Chief Estate Surveyor/Headquarters, Lands Department (CES/H, LandsD) advised that the proposed salt water pumping station was located outside the lot boundary of Cyberport development (i.e. IL 8969); and
- (d) the Planning Department (PlanD)'s views – PlanD agreed that approval condition (d) was no longer applicable to the Cyberport development and could be deleted from all planning approvals with regard to Cyberport for the reasons as detailed in paragraph 4 of the Paper. At present, the WSD's consultant had submitted the preliminary landscaping proposal and external colour scheme for the proposed salt water pumping station. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no adverse comment on the proposal from landscaping and urban design perspectives.

47. Members had no question on the item.

#### Deliberation Session

48. In response to a Member's question, Ms. Lily Y.M. Yam said that planning permission for the proposed Cyberport salt water pumping station had already been covered in the approved scheme under Application No. A/H10/30 and the subsequently approved applications for amendments or minor amendments to the approved scheme.

49. After deliberation, the Committee decided to agree to delete approval condition (d) from all planning approvals applicable to the Cyberport development.

[The Chairperson thanked Ms. Lily Y.M. Yam, STP/HK, for her attendance to answer Members' enquiries. Ms. Yam left the meeting at this point.]

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

[Mr. Tom C.K. Yip, STP/HK, was invited to the meeting at this point.]

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/131                Renewal of Planning Approval for  
Temporary Eating Place (Restaurant)  
under Application No. A/H21/121  
for a Period of 3 Years until 8.4.2011  
in "Open Space" zone,  
Sam Ka Tsuen Ferry Pier,  
Tai Hong Street, Sai Wan Ho  
(MPC Paper No. A/H21/131)

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#### **Presentation and Question Sessions**

50.            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) the renewal of planning approval for temporary eating place (restaurant) under Application No. A/H21/121 for a period of 3 years until 8.4.2011;
- (c) departmental comments – the concerned Government departments had no objection to or adverse comments on the application. The Government Property Administrator (GPA) advised that under the tenancy agreement for the subject pier, the Government could grant commercial concession to the tenant for subletting portion of the pier premises in order to generate

non-fare box revenue to cross-subsidize the ferry operation;

- (d) 41 public comments were received during the statutory publication period. 1 supported the application as the applied use would add vibrancy to Tai Hong Street and recommended the owner/tenant to improve the outlook and access of the pier. The remaining 40 commenters objected to the application mainly on the grounds of adverse visual impacts, illegal parking, pollution problems, nuisances to nearby residents and inconvenience to the general public if the site was changed from the planned open space to private commercial use. Besides, there were already different types of restaurants nearby, the applicant could consider renting the application premises for other non-polluting uses; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 10 of the Paper in that the renewal application generally complied with the relevant assessment criteria under the Town Planning Board Guidelines No. 34A on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development”. The proposed use was considered not incompatible with the surrounding land uses, which were predominantly residential developments with restaurants located on the ground floor. There had been no change in the planning circumstances since the approval of the previous approved application (No. A/H21/121), the planning conditions of which had all been complied with. The applied use was within an existing pier providing ferry services for the general public. Approval of the renewal application on a temporary basis for a further period of 3 years would not frustrate the long-term planning intention of the subject “Open Space” (“O”) zone. As regards the public comments objecting to the application, the concerned Government departments had no objection to or adverse comment on the application. In particular, DEP had advised that any air, noise and water pollutions would be subject to the control of the relevant pollution control ordinances.

### Deliberation Session

52. A Member raised concern on the possible illegal parking problem and nuisances to the nearby residents. Mr. Tom C.K. Yip, STP/HK, replied that according to the Assistant Commissioner for Transport/Urban, Transport Department's advice, most of the carriageway outside the application premises either had proper parking spaces or was subject to no-stopping restriction. Illegal parking in the area would be subject to enforcement action by the police. To address the concern of the local residents, the Chairperson said that Members could consider imposing an approval condition to restrict the operation hours of the proposed restaurant. In view of the presence of many restaurants in the area and environmental nuisances would be subject to control of the relevant pollution control ordinances, some Members considered that there might not be a need to restrict the operation hours of the proposed restaurant under application only. Another Member asked if approval for application for commercial uses within "O" zone should only be considered on exceptional circumstances. The Chairperson said that restaurant/café uses had been permitted in some open spaces such as the Ma On Shan Park and the Tai Po Waterfront Park to serve as a supporting facility for park users. Each application would be considered on its own merits. While the subject pier was still required for ferry service, granting a temporary approval to the proposed restaurant would not affect the long-term planning intention of the site for open space use. Notwithstanding, the use of the site should be reviewed in the long term with a view to integrating it with the promenade and enhancing the waterfront for public enjoyment.

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.4.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the arrangement of the emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and

Rescue administered by the Buildings Department; and

- (b) the applicant should fully comply with the relevant pollution control ordinances, including the Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Control Ordinance, to minimise the nuisances to the nearby residents and adopt any measures deemed necessary.

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

[Ms. Maggie M.K. Chan and Mr. Raymond Y.M. Chan left the meeting at this point.]

#### **Agenda Item 9**

[Closed Meeting]

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

#### **Agenda Item 10**

Any Other Business

- 56. There being no other business, the meeting was closed at 1:30 p.m..