

TOWN PLANNING BOARD

**Minutes of 379th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 15.8.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. K.Y. Leung

Dr. Winnie S.M. Tang

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

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

Ms. Starry W.K. Lee

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

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. Christine K.C. Tse

Town Planner/Town Planning Board
Mr. K.W. Ng

Agenda Item 1

Confirmation of the Draft Minutes of the 378th MPC Meeting held on 1.8.2008

[Open Meeting]

1. The draft minutes of the 378th MPC meeting held on 1.8.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. There were no matters arising from the last meeting.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K5/1 Application for Amendment to the Draft Cheung Sha Wan
Outline Zoning Plan No. S/K5/30 from “Residential (Group A)” zone
to “Other Specified Uses” annotated “Hotel” zone,
412-420 Castle Peak Road, Cheung Sha Wan, Kowloon
(MPC Paper No. Y/K5/1)

Presentation and Question Sessions

3. The application was submitted by Winland Strategies Ltd. with Raymond Chan Surveyors Limited (RCS) as one of the consultants. The Secretary reported that Mr. Raymond Y.M. Chan, being a director of RCS, had declared an interest in the item. The Committee noted that Mr. Raymond Y.M. Chan had not yet arrived at the meeting.

4. Mr. P.C. Mok, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) of Planning Department (PlanD), and Mr. Kenny C.K. Tse, the applicant's representative, were invited to join the meeting at this point.

5. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. P.C. Mok, STP/TWK, to brief members on the background to the application.

6. Mr P.C. Mok presented the application as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone the application site at 412-420 Castle Peak Road, Cheung Sha Wan from "Residential (Group A)" to "Other Specified Uses" annotated "Hotel" ("OU(Hotel)") on the Cheung Sha Wan Outline Zoning Plan (OZP) with the restrictions of maximum non-domestic plot ratio (PR) of 12 and height of the existing building;
- (b) the application site was currently occupied by a 26-storey commercial/office building, namely Kincheng Commercial Centre, completed in 1983. The PR and gross floor area (GFA) of the existing building were 14.999 and 7,775.777m² respectively. In order to facilitate an in-situ conversion of the building into hotel use, the applicant proposed to rezone the site to "OU(Hotel)", with 'Hotel' as the only always permitted use;
- (c) the applicant had put forth an indicative development scheme for the proposed rezoning. The PR and GFA (excluding back of house (BoH) facilities) of the building would be reduced to 11.995 and not more than 6,218.2m² respectively after conversion. Both the number of storeys and the absolute building height (i.e. 83.49mPD) of the building would remain unchanged. The proposed hotel would have a maximum of 187 guestrooms, with an average size of about 20m²;

- (d) the justifications put forth by the applicant were summarized in paragraph 2 of the Paper;

[Mr. Leslie H.C. Chen and Dr. Daniel B.M. To arrived to join the meeting at this point.]

- (e) concerned Government departments had no objection to or no comment on the application.;
- (f) one public comment from the management company of the adjoining Chou Chong Commercial Building was received during the statutory publication period. The commenter had no objection to the application but was concerned about the impacts during the construction of the proposed hotel. The commenter requested the Government to provide more guidance to the developer in this aspect;

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

- (g) PlanD partially agreed to the application based on the assessment as detailed in paragraph 11 of the Paper in that hotel development was considered not incompatible with the adjacent commercial/residential neighbourhood. It was unlikely to generate significant adverse impacts on the aspects of environment, local traffic and provision of infrastructure. The Committee partially agreed to a similar section 12A application (No. Y/K9/4) in Hung Hom in May 2008, and there was no material change in planning circumstances since the approval of that application. As regards the possible adverse impacts generated during the construction, both the Director of Environmental Protection and the Director of Buildings would monitor the situation. The following revisions to the proposed Notes of the new “OU(Hotel)” zone were proposed to ensure adequate statutory planning control on the proposed conversion of the existing building into a hotel :
 - (i) the building height of the existing building at main roof level (i.e. 83.5mPD) should be stipulated as the permitted maximum building

height of the zone with a provision to allow for minor relaxation of the building height restriction upon section 16 application to the Town Planning Board; and

- (ii) the PR restriction of 12 should include BoH facilities in order to be in line with the restriction of the “Commercial” zone.

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

- 7. The Chairperson then invited the applicant’s representative to present his case.
- 8. Mr. Kenny C.K. Tse made the following main points:
 - (a) the application only involved in-situ conversion of an existing commercial/office building into a hotel;
 - (b) the existing building was a Grade C commercial/office building. It was mainly occupied by low-end commercial uses such as places of entertainment and Kung Fu academies, both of which had negative impact on the neighbourhood. Owing to the lower PR permitted under the existing “R(A)” zone, the applicant had no incentive to redevelop the application site. Noting that hotel was similar to domestic use, the proposed conversion of the existing building would be compatible with the surrounding uses which was dominated by residential developments;
 - (c) the proposed hotel would be a hotel for tourists/visitors from Mainland China and overseas. This was in line with the Chief Executive’s Policy Address to enhance the appeal of Hong Kong as an international convention, exhibition and tourist capital. On average, the number of visitors visiting Hong Kong had been increasing at a rate of 8% per year;
 - (d) the applicant’s traffic impact assessment for the proposed hotel development was already accepted by the Transport Department. The applicant was suggested converting G/F of the subject building for

loading/unloading and parking purposes. No adverse traffic impact on the area was therefore anticipated;

- (e) the proposed hotel could also help revitalize the old Shum Shui Po district; and
- (f) as regards the commenter's concern on the impact during construction, the proposed development would not involve any demolition of building but only conversion of the internal layout of the existing building. The applicant would take appropriate measures to minimize the possible environmental impacts of such conversion works on the surroundings during construction.

9. Upon the Chairperson's enquiry, Mr. Kenny C.K. Tse said that he noted the PR restriction of 12 proposed by PlanD for the "OU(Hotel)" zone had included BoH facilities.

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

Deliberation Session

11. In response to a Member's question, the Chairperson confirmed that based on PlanD's recommendation, any future development/redevelopment on the application would be subject to a maximum PR of 12.

12. After deliberation, the Committee decided to partially agree to the application. The Chief Executive in Council would be requested to refer the approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/31 to the Town Planning Board (TPB) for amendments. The amendments to the OZP would be submitted to TPB or its Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance.

[Dr. Winnie S.M. Tang arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/659 Shop and Services (Showroom) in “Other Specified Uses”
annotated “Business” zone, G/F (Portion), Clifford Centre,
782 Cheung Sha Wan Road, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K5/659)

Presentation and Question Sessions

13. The Committee noted that the applicant on 31.7.2008 requested to defer a decision on the application for two months in order to allow time for the applicant to prepare supplementary information to address the departmental comments.

Deliberation Session

14. 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.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/217 Commercial Bathhouse and Massage Establishment in
 “Residential (Group A)” zone, Basement, 1/F and 2/F,
 169-189 Woosung Street, Yau Ma Tei, Kowloon
 (MPC Paper No. A/K1/217)

Presentation and Question Sessions

15. Mr. C.K. Soh, STP/TWK, presented the application as detailed in the Paper and made the following main points :

- (a) background to the application;
- (b) the proposed commercial bathhouse and massage establishment;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) one public comment was received during the statutory publication period, indicating no objection to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper in that the proposed commercial bathhouse and massage establishment was not incompatible with the existing hotel use within the subject building and the commercial/office and commercial/residential developments in the surrounding area. The application premises, which were at Basement, 1/F and 2/F, had accesses segregated from the main entrance leading to the upper floors of the subject building. Concerned Government department, including the Director of Fire Services and the Chief Building Surveyor/Kowloon, Buildings Department, had no

in-principle objection to the application. No local objection was received. In general, the application complied with all the planning criteria specified in the Town Planning Board Guidelines No. 14B.

16. Members had no question on the application.

Deliberation Session

17. 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 provision of fire service installations, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 15.2.2009; and
- (b) if the 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.

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

- (a) consult the Director of Fire Services on the requirements of fire safety provisions within the application premises; and
- (b) consult the Commissioner of Police on the licensing requirements for a massage establishment.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K2/184 Proposed Educational Institution in “Government, Institution
or Community (1)” zone, Junction of Chatham Road South and
Princess Margaret Road, Yau Ma Tei, Kowloon
(MPC Paper No. A/K2/184)

Presentation and Question Sessions

19. The application was submitted by the Hong Kong Polytechnic University (HKPU). The Secretary reported that Professor Bernard V.W.F. Lim and Mr. K.Y. Leung had declared interests in the item as Professor Lim had current business dealings with HKPU while Mr. K.Y. Leung was a part-time lecturer of HKPU. As the applicant had requested the Committee to defer consideration of the application, both Professor Lim and Mr. Leung were allowed to stay in the meeting.

20. The Committee noted that the applicant on 8.8.2008 requested to defer a decision on the application in order to allow time for the applicant to address the comments from various Government departments.

Deliberation Session

21. 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.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/507 Proposed Hotel in “Residential (Group A)” zone,
No. 31 Fuk Tsun Street, Tai Kok Tsui, Kowloon
(MPC Paper No. A/K3/507)

Presentation and Question Sessions

22. Mr. C.K. Soh, STP/TWK, presented the application as detailed in the Paper and made the following main points :

- (a) background to the application;
- (b) the proposed hotel development;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) one public comment from the Chairman of Yau Tsim Mong West Area Committee was received during the statutory publication period, indicating no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 10 of the Paper in that the proposed hotel was considered not incompatible with the surrounding land uses. The proposed hotel use was not expected to cause any adverse effect on the character of the neighbourhood nor generate any adverse environmental, traffic and drainage impacts on the surrounding areas.

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 should be valid until 15.8.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supplies for fire fighting and fire services installations to the satisfaction of the Director of the Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) consult the Chief Building Surveyor/Kowloon, Buildings Department on the building requirements including hotel concession and prescribed window for the proposed hotel, and the arrangement on the Emergency Vehicular Access according to Part VI of the Code of Practice for Means of Access for Fighting and Rescue;
- (b) consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel; and
- (c) prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for the implementation of any required sewerage works.

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/398 Proposed Minor Relaxation of Building Height Restriction
for Permitted Social Welfare Facility (Home for the Aged)
in “Government, Institution or Community (2)” zone,
33 Lo Wai Road, Tsuen Wan
(MPC Paper No. A/TW/398)

Presentation and Question Sessions

26. Mr. K.T. Ng, STP/TWK, presented the application as detailed in the Paper and made the following main points :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 4 storeys to 5 storeys (including car park) for permitted social welfare facility (home for the aged);
- (c) departmental comments – concerned Government departments had no objection to or no comment on the application;
- (d) no public comment was received during the statutory publication period. The District Officer (Tsuen Wan) had consulted the Chairman of the Tsuen Wan Rural Committee, the Chairman of the Tsuen Wan East Area

Committee, the village representative of Lo Wai Village. All of them had no objection to the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed one additional storey of 4m in height was to allow more natural lighting and ventilation into the deep dormitory rooms so that a more environmentally friendly design and a healthier living environment could be provided for the elderly. When compared with a previous scheme approved by the Committee in July 2006 (i.e. application No. A/TW/385), the current scheme only involved a minor increase in the overall building height by 1m (from 137.16mPD to 138.16mPD). Such increase would have no significant visual impact on the surrounding areas. There had been no change in the general planning circumstances since the approval of the previous application.

27. Members had no question on the application.

Deliberation Session

28. 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 15.8.2012, 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 water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

29. 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 lease modification to permit the applied use; and

- (b) ensure minimum disturbance to the existing elderly residents in the course of construction of the development.

[The Chairperson thanked Mr. K.T. Ng, STP/TWK, for his attendance to answer Members' enquiries. Mr. Ng left the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/103 Proposed Religious Institution in "Residential (Group A)" zone,
1st Floor, Commercial Block, Serene Garden,
77 Tsing King Road, Tsing Yi, New Territories
(MPC Paper No. A/TY/103)

Presentation and Question Sessions

30. The Committee noted that the applicant on 30.7.2008 requested to defer a decision on the application in order to allow time for the applicant to prepare sufficient supplementary information and documentation in support of the application.

Deliberation Session

31. 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.

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

Hong Kong District

[Mr. Tom C.K. Yip and Mr. David C.M. Lam, Senior Town Planners/Kowloon (STPs/HK), were invited to the meeting at this point.]

Agenda Item 10

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

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

Presentation and Question Sessions

32. The Committee noted that the applicant on 30.7.2008 requested to defer a decision on the application for a further two months in order to allow time for the applicant to provide additional information on and justifications for the application to the Central and Western District Council for further consultation.

Deliberation Session

33. 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 following the further consultation with the Central and Western District Council (C&WDC). The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of additional information by the TPB from the applicant. The Committee also agreed to advise the

applicant that two months were allowed for further consultation with the C&WDC and the preparation of the submission of the further information to the TPB, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/66 Proposed Government Refuse Collection Point
in “Government, Institution or Community (1)” zone,
Junction of Victoria Park Road and Gloucester Road,
Causeway Bay, Hong Kong
(MPC Paper No. A/H6/66)

Presentation and Question Sessions

34. The Committee noted that the applicant on 11.8.2008 requested to defer a decision on the application in order to allow time for the applicant to prepare additional information to address the concerns raised by the Government departments and the public.

Deliberation Session

35. 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.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/391 Proposed Commercial Bathhouse and Massage Establishment
in “Commercial/Residential” zone, Units C, D and E, 1/F,
Kiu Hing Mansion, 14 King's Road, North Point, Hong Kong
(MPC Paper No. A/H8/391)

Presentation and Question Sessions

36. With the aid of a Powerpoint presentation, 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 proposed commercial bathhouse and massage establishment;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of 25 public comments from local residents, a Legislative Council member, and the Incorporated Owners of a nearby building were received during the statutory publication period, all objecting to the application for the reasons that Tin Hau was a quiet and pleasant residential area, with schools, library and open space nearby. The proposed uses would not only disturb the children, women and students in the area, but also the elderly living in the elderly home at 2/F of the subject building. The utility facilities of the old subject building might also be overloaded resulting in a fire hazard to the residents. There were already many night entertainment premises in Wan Chai, Causeway Bay and North Point. Any proliferation of such kind of activities to other part of Hong Kong Island should be stopped; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 10 of the Paper in that Tin Hau was predominantly a residential area where commercial bathhouse and massage establishment was currently not found. The land uses to the south and west of the subject building were mainly open space, school and cultural developments, including Victoria Park, and Hong Kong Central Library. The proposed use was therefore considered not compatible with these uses/developments and also the residential developments in the neighbourhood. As regards the subject building itself, the proposed use was also not compatible with the existing uses within the same building which included the elderly home and the residential use. Noting that the local residents had raised strong objection to the proposed use, the application was considered not in line with one of the planning criteria set out in the Town Planning Board (TPB) Guidelines No. 14B (i.e. the views of local residents on the proposed use would be taken into account).

37. Upon a Member's questions on the crime rate in this area, Mr. Tom C.K. Yip said that he had no such information in hand. Nevertheless, he pointed out that the licensing authority of massage establishment (i.e. Commissioner of Police (CoP)) would require every new licence applicant to comply with specific requirements before the granting of a massage establishment licence. The same Member also asked about the maximum number of customers that could be accommodated within the proposed commercial bathhouse and massage establishment and whether there was any standard on the space provided for each customer. Mr. Yip responded that there was no such planning standard and the applicant had not provided information on the number of customers in the application. However, reference could be made to the size of the application premises and the numbers of massage chairs and rooms as shown in the proposed layout. Mr. Yip further said that apart from obtaining planning permission, the massage establishment would need to obtain a licence and comply with fire safety requirements through the submission of building plans to the Building Authority for approval before operation.

38. Another Member referred to paragraph 11.1(a) of the Paper and asked if the proposed use was compatible with the existing uses within the same building, noting that there was a foot massage establishment on 1/F. Mr. Tom C.K. Yip responded that according to the Definition of Terms adopted by the TPB, foot massage establishment was different from massage establishment. The former would be regarded as a kind of ‘shop and services’ uses, which was always permitted in the “Commercial/Residential” (“C/R”) zone while the latter was a use requiring planning permission in the “C/R” zone.

39. In response to another Member’s question on the guesthouse and the elderly home on 2/F, Mr. Tom C.K. Yip replied that both uses were always permitted in the “C/R” zone. He however had no information on when these uses first existed in the subject building.

Deliberation Session

40. A Member opined that the application could be approved as the application premises were within the non-domestic portion of the subject building, and had a separate access. As such, the proposed commercial bathhouse and massage establishment would unlikely create nuisance to the residents on the upper floors. The concern on law and order should be monitored through the licensing system.

41. Noting that some other applications for the same use were approved when there were local objections, a Member asked whether the subject application should be treated differently. One Member opined that local objection should only be one of the considerations for the subject application. Another Member said that the consideration of the application should not simply base on whether there was local objection but whether the grounds of objection were reasonable or not. For the subject application, this Member said that the objectors’ view on the incompatibility of the proposed use with the residential neighbourhood was considered reasonable. Another Member said that there should be clear guidelines on how planning applications for massage establishments should be assessed and the views of local residents should only be one of the considerations. The Secretary explained that the need to take into account the views of local residents set out in the TPB Guidelines No. 14B was a rather unique planning criterion which was seldom found in other guidelines. She said that it should be the grounds of the local objection that should be taken

into account under the said Guidelines. She also pointed out that so far no planning approval for commercial bathhouse and massage establishment had been granted in Tin Hau area between Fortress Hill and Moreton Terrace. Members generally agreed that the views of local residents should only be one of the considerations in the subject application.

42. A Member asked about the details of an approved application (No. A/H8/312) opposite to the application site at Lau Sin Street. Mr. Tom C.K. Yip replied that the proposed use under that application was for a health care centre with massage facilities, and the application was approved by the Committee on 3.10.1997 on a temporary basis for a period of three years up to 3.10.2000. In response to a Chairperson's question, Mr. Yip said that the first TPB Guidelines No. 14 on massage establishment was promulgated in 1995.

43. Noting that the subject building abutted both King's Road and Tin Hau Temple Road with the latter predominated by residential developments, a number of Members considered that the proposed use was not compatible with the surrounding environment which was relatively quiet and comprised mainly residential, school, cultural and open space uses in the neighbourhood. They also noted that the small retail shops in the non-domestic portion of the subject building mainly served the nearby residents and students. One Member further pointed out that the proposed use was also incompatible with the existing commercial uses in the area which mainly served the local community.

44. Another Member said that there was an increasing demand for massage services in Hong Kong, including those providing high quality services such as spa treatment. The concern on law and order problems created by certain establishments should more appropriately be controlled and monitored through the massage licensing system administered by CoP.

45. To conclude, the Chairperson said that the application should be rejected as the proposed use was incompatible with the developments in the area and the existing uses within the same building. The proliferation of massage establishment use into the area should not be supported. Taking into account Members' view on the local residents' concerns as indicated in paragraph 41 above, the rejection reason suggested in paragraph 11.1(b) of the Paper should be elaborated to cover the relevant subject of the local objection. Members agreed.

46. After further deliberation, the Committee decided to reject the application for the following reasons :

- (a) the proposed use was not compatible with the residential development in the neighbourhood and the existing uses within the same building which include an elderly home and residential uses;
- (b) the proposed use did not comply with the Town Planning Board Guidelines (TPB PG-No.14B) in that there was strong local objection in respect of the incompatibility of the proposed use with the existing uses in the neighbourhood and within the same building, and the adverse impact of the proposed use on the tranquil environment in the area; and
- (c) the approval of the subject application would set an undesirable precedent for such use in this locality.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H10/80 Proposed School in
 “Government, Institution or Community” and “Road” zones,
 Junction of Victoria Road and Pokfulam Road, Hong Kong
 (MPC Paper No. A/H10/80)

Presentation and Question Sessions

47. The Committee noted that the applicant on 8.8.2008 requested to defer a decision on the application for one month in order to allow time for the applicant to clarify and respond to the comments on the application made by the Planning Department on the landscape planning aspect.

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 one month, as requested by the applicant, was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/120 School (Kindergarten and Child Care Centre) in
 “Commercial” zone, Shop A2-H, 2/F,
 35 Beach Road, Repulse Bay, Hong Kong
 (MPC Paper No. A/H17/120)

Presentation and Question Sessions

49. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (kindergarten and child care centre) use;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) who indicated that the proposed school use would jeopardize the

means of escape (MoE) provision for a shop adjoining the application premises;

- (d) two public comments from the property manager of the adjacent development and an individual and were received during the statutory publication period, both objecting to the application. The former considered the proposed school use intrusive and incompatible with the popular tourist area at Repulse Bay, while the latter was concerned about the adverse traffic impact on Beach Road; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 10 of the Paper in that the proposed school use might be regarded as generally in line with the planning intention of the “Commercial” zone. The proposed use was compatible with other commercial uses in the subject shopping centre and the surrounding residential area. The school would unlikely generate adverse environmental and traffic impacts on the area. CBS/HKW, BD's concern on the MoE provision could be addressed through imposing a relevant approval condition to the satisfaction of the Buildings Department. As regards the public comments, it was noted that the application premises was located within a local shopping centre, and the proposed school use was intended to serve mainly the local residents. Approval of the application would unlikely result in a negative impact on the tourists visiting Repulse Bay.

50. Members had no question on the application.

Deliberation Session

51. 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 15.8.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of a means of escape to the satisfaction of the Director of Buildings or of the TPB; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department regarding the provision of the fire resistance requirements ; and
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/55 Government Use (Radiation Monitoring Station)
in “Green Belt” zone, Land adjacent to the
Cape D'Aguilar Submarine Cable Station, Hok Tsui
(MPC Paper No. A/H18/55)

Presentation and Question Sessions

53. The Committee noted that the applicant on 30.7.2008 requested to defer a decision on the application in order to allow time for the applicant to prepare additional information to address the concerns raised by the Government departments.

Deliberation Session

54. 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.

[The Chairperson thanked Mr. Tom C.K. Yip and Mr. David C.M. Lam, STPs/HK, for their attendance to answer Members' enquires. Messrs. Yip and Lam left the meeting at this point.]

Kowloon District

Agenda Item 16

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K18/3 Application for Amendment to the Approved
Kowloon Tong Outline Zoning Plan No. S/K18/13
from "Commercial (1)" zone [maximum building height of
6 storeys (excluding basement floor(s)) and maximum plot ratio
of 5.8] to "Government, Institution or Community (7)" zone
[maximum building height of 10 storeys (excluding basement
floor(s)) and no plot ratio restriction] for Redevelopment for
Hospital Use, 322 Junction Road, Kowloon Tong, Kowloon
(MPC Paper No. Y/K18/3)

Presentation and Question Sessions

55. The application was made by the Hong Kong Baptist Hospital (HKBH). The Secretary reported that Professor N.K. Leung, who might use HKBH to provide services for his patients, had declared an interest in this item. As the applicant had requested the Committee to defer consideration of the application, Professor Leung was allowed to stay in the meeting.

56. The Committee noted that the applicant on 5.8.2008 requested to defer a decision on the application until September 2008 in order to allow time for the applicant to address the comments on the application given by the Government departments.

Deliberation Session

57. 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 three 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.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/227 Proposed Hotel in “Residential (Group A)” zone,
105-107 Tam Kung Road, Kowloon
(KIL 4167S.A and KIL 4167RP)
(MPC Paper No. A/K10/227)

Presentation and Question Sessions

58. The Committee noted that the Planning Department (PlanD) had recommended the Committee to defer a decision on the application as there were adverse representations to the draft Ma Tau Kok Outline Zoning Plan No. S/K10/19 (the OZP) as a whole, which included the application site, on the proposed building height restrictions. In accordance with the Town Planning Board (TPB) Guidelines No. 33, a decision on section 16 application would be deferred if the zoning of the application site was still subject to outstanding adverse representation in respect of a draft plan yet to be submitted to the Chief Executive in Council (CE in C) for consideration, and the substance of the representation was relevant to the subject application.

Deliberation Session

59. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council's decision on the adverse representations in respect of the draft Ma Tau Kok Outline Zoning Plan No. S/K10/19.

[Miss Helen L.M. So, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/570 Proposed Shop and Services (Property Agency)
in "Other Specified Uses" annotated "Business" zone,
Portion of Unit 2 on Ground Floor, Westley Square,
48 Hoi Yuen Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/570)

Presentation and Question Sessions

60. The Secretary said that the subject application was submitted by a subsidiary of Sino Land Co. Ltd. (SL). Mr. Raymond Y.M. Chan and Mr. Felix W. Fong, who had current business dealings with SL, had declared interests in the item.

[Mr. Raymond Y.M. Chan and Mr. Felix W. Fong left the meeting temporarily at this point.]

61. With the aid of a Powerpoint presentation, Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (property agency) use;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) one public comment was received during the statutory publication period supporting the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed shop and services use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. No significant adverse impacts on the uses/developments within the subject building and the adjacent areas were expected. In general, the application complied with the Town Planning Board Guidelines No. 22D.

62. Members had no question on the application.

Deliberation Session

63. 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 15.8.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated 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.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for lease modification for the shop and services use at the subject premises;
- (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 building works to demonstrate compliance with the Buildings Ordinance, in particular :-
 - (i) the provision of 2 hours fire resistance separation wall between the application premises and the remaining portion of Unit 2 in accordance with Building (Construction) Regulation 90;

- (ii) re-provisioning of an exit door from the remaining portion of Unit 2 to Hoi Yuen Road in accordance with Building (Planning) Regulation 41(1); and
- (iii) re-provisioning of an access for persons with a disability to the remaining portion of Unit 2 in accordance with Building (Planning) Regulation 72; and
- (d) strictly follow regulatory restrictions when loading/unloading activities took place to avoid interfering with the main stream traffic, in particular under the cumulative effects of nearby roadside activities.

[The Chairperson thanked Miss Helen L.M. So, STP/K, for her attendance to answer Members' enquires. Miss So left the meeting at this point.]

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

65. The Chairperson said that Agenda Item 19 was a confidential item and would not be open for public viewing.

Agenda Item 19

[Closed Meeting]

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

Agenda Item 20

Any Other Business

67. There being no other business, the meeting was closed at 12:00 p.m..