

TOWN PLANNING BOARD

Minutes of 392nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 13.3.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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
Ms. Olga Lam

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

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Mr. Raymond Y.M. Chan

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Assistant Director(2), Home Affairs Department
Mr. Andrew Tsang

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. W.S. Lau

Town Planner/Town Planning Board
Miss Alice Y.Y. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 391st MPC Meeting held on 27.2.2009

[Open Meeting]

1. The draft minutes of the 391st MPC meeting held on 27.2.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Approval of Draft Outline Zoning Plan

2. The Secretary reported that on 10.3.2009, the Chief Executive in Council (CE in C) approved the draft South West Kowloon Outline Zoning Plan (OZP) (to be renumbered as S/K20/22) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP would be notified in the Gazette on 20.3.2009.

Tsuen Wan and West Kowloon District

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

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/511 Proposed Hotel
 in “Residential (Group A)” zone,
 No. 31 Fuk Tsun Street,
 Tai Kok Tsui
 (MPC Paper No. A/K3/511)

Presentation and Question Sessions

3. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

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

(b) the proposed hotel;

(c) departmental comments – no adverse comments from concerned Government departments were received. The Commissioner for Tourism supported the application;

(d) 1 public comment was received during the statutory publication period from a Yau Tsim Mong District Councillor who had no comment on the application. No local objection was received from the District Officer (Yau Tsim Mong); and

(e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed hotel was considered not incompatible with the surrounding land uses which were predominantly commercial/residential developments

with the lower floors for commercial uses. There were existing hotel developments and approved planning applications for hotel/guesthouse developments in the vicinity. The proposed hotel was not expected to cause any adverse impact on the character of the neighbourhood. The proposed hotel with a plot ratio of 8.997 and building height of 94.37mPD was considered not incompatible with the surrounding environment which was predominantly medium-rise commercial/residential developments with a building height ranging from 30mPD to 50mPD. Redevelopment had taken place in the area and new and higher buildings were emerging (e.g. the proposed hotel scheme from Urban Renewal Authority with a building height of 105mPD was situated to the southeast of the site). The proposed hotel would unlikely generate adverse environmental, traffic and drainage impacts on the surrounding areas.

4. Members had no question on the application.

Deliberation Session

5. 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 13.3.2013, 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 service installations to the satisfaction of the Director of the Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment (SIA) 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 SIA in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.

6. The Committee also agreed to advise the applicant of the following :
- (a) the approval of the application did not imply the gross floor area exemption for hotel concession, back-of-house and other facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
 - (b) to consult Chief Building Surveyor/Kowloon, Buildings Department on the building requirements for the proposed hotel development including arrangement of emergency vehicular access according to Part VI of the Code of Practice for Means of Access for Fighting and Rescue;
 - (c) to consult Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel; and
 - (d) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/512 Proposed Hotel
 in “Residential (Group A)” zone,
 Nos. 123, 125 and 127 Tung Choi Street,
 Mong Kok
 (MPC Paper No. A/K3/512)

Presentation and Question Sessions

7. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – no adverse comments from concerned Government departments were received. The Commissioner for Tourism supported the application;
- (d) 1 public comment was received during the statutory publication period from a Yau Tsim Mong (YTM) District Councillor who had no comment on the application. The District Officer (Yau Tsim Mong) received local objections from the Chairman of YTM North Area Committee and a District Councillor of YTM on traffic grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed hotel was considered not incompatible with the surrounding land uses which were predominantly commercial/residential developments with the lower floors for commercial uses. There were also commercial/office developments in the vicinity. The proposed hotel with a plot ratio of 9 and a building height of 84.965mPD was considered not incompatible with the surrounding environment which were predominantly medium-rise commercial/residential and “Government, Institution or Community” (“G/IC”) developments with building height ranging from 20.6mPD to 75.7mPD. The proposed hotel would unlikely generate adverse environmental, traffic and drainage impacts on the surrounding areas. Regarding the local concerns, there would not be car parking space and loading/unloading area in the proposed hotel as there were only 50 guestrooms. It was not expected to have significant adverse traffic impact in the area. Assistant Commissioner for Transport/Urban, Transport Department had no objection to the application.

8. Members had no question on the application.

Deliberation Session

9. 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 13.3.2013, 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 service installations to the satisfaction of the Director of the Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment (SIA) 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 SIA in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to apply to District Lands Officer/Kowloon West, Lands Department for a licence to permit the proposed hotel use;
- (b) the approval of the application did not imply the gross floor area exemption for hotel concession, back-of-house and other facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) to consult Chief Building Surveyor/Kowloon, Buildings Department on the building requirements for the proposed hotel development including arrangement of emergency vehicular access according to Part VI of the Code of Practice for Means of Access for Fighting and Rescue;
- (d) to consult Chief Officer/Licensing Authority, Home Affairs Department on

the licensing requirements for the proposed hotel; and

- (e) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/513 Temporary Industrial Use (Metal Workshop)
in “Residential (Group E)” zone,
Unit 7A, G/F,
Cheung Fat Industrial Building,
64 -76 Larch Street,
Tai Kok Tsui
(MPC Paper No. A/K3/513)

Presentation and Question Sessions

11. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary industrial use (metal workshop);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 1 public comment was received during the statutory publication period from a Yau Tsim Mong (YTM) District Councillor who had no comment on the application and no local objection was received from the District Officer (Yau Tsim Mong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Notwithstanding the metal workshop under application was not in line with the planning intention of “Residential (Group E)” (“R(E)”) zone, since the operation was temporary in nature, it would not frustrate the planning intention in the long term. The temporary industrial use (metal workshop) at the premises was considered not incompatible with the existing uses within the subject industrial building which were mainly industrial related offices and warehouses. It was also considered not incompatible with the existing G/F uses of the surrounding developments. It would have no adverse impact on the nearby developments.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 13.3.2012, on the terms of the application as submitted to the Town Planning Board.

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

- (a) to apply to District Lands Officer/Kowloon West, Lands Department for lease modification/waiver for the industrial use at the premises; and
- (b) to note that Commissioner for Transport had the right to impose, alter or cancel any parking loading/unloading facilities and/or any no-stopping restrictions, etc. on all local roads to cope with changing traffic conditions and needs. The applicant should not expect the Government to provide such facilities for his uses.

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

- (b) the proposed residential institution (student hostel) (amendments to approved master layout plan);

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

- (c) departmental comments – concerned Government departments, including the Secretary for Education (S for Education) had no objection to the application. The S for Education would proceed with the funding application to the Public Works Sub-Committee in April 2009 for the Phase 4 development;
- (d) 1 public comment was received during the statutory publication period from the management office of the nearby Mount Beacon enclosing 140 signatures from the owners/residents objecting to the application on the grounds of air ventilation, sunlight penetration, noise nuisance, environmental, visual and traffic impacts. No local objection was received from the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper in that:
 - the proposed development providing student accommodation and academic facilities for students of CityU was generally in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone for providing land for uses directly related to or in support of institutional establishments;
 - the proposed development was the subject of a previously approved scheme (Application No. A/K4/25) for student hostel development. Phases 1 to 3 had been completed. In order to provide sufficient hostel accommodation in response to the implementation of the 4-year undergraduate curriculum in 2012 and to meet students’ higher expectations for the spatial and qualitative standards of living

and common spaces, the application mainly involved the re-distribution of 1,770m² non-domestic gross floor area (GFA) in Phase 5 to domestic GFA to facilitate the development of hostel blocks Units 10 and 11 in Phase 4. The proposed maximum PR of 3.37 and maximum building height of 133.88mPD had not exceeded the statutory restrictions;

- noting the slight increase of building heights (at roof-top) of the proposed hostel blocks Units 10 (from 128.5mPD to 133.88mPD) and 11 (from 123mPD to 130.76mPD) as compared to the previously approved scheme, the applicant had made effort to improve the building design and reduce the building heights of Units 10 and 11 by about 3.4m and about 2.8m as compared to the originally submitted scheme in the current application to address PlanD's concerns. To alleviate the impact of building height and bulk, the applicant had also proposed to apply green roof treatment and vertical greening to the southern façade of Unit 11, to incorporate a sky garden in Unit 11 to reduce wall effect of the two proposed hostel blocks and to improve air ventilation of the area, as well as to provide visual connection to the adjacent iconic Multi-media Building;
- in addition to the imposition of approval conditions on traffic and landscaping and tree felling aspects in the previous approval, new approval conditions on fire service installations and sewerage aspects had also been recommended for the current application. No adverse environmental and traffic impacts would be generated by the current scheme; and
- regarding the public comment objecting the application, it was noted that Phases 1 to 3 of the student hostel development had already been completed, and the current application mainly related to the redistribution of GFA from non-domestic to domestic with a slight increase in building heights of hostel blocks Units 10 and 11. The applicant had proposed to incorporate greening treatments and a sky

garden to address PlanD's concerns on building height and bulk, introducing more sun light and promoting cross ventilation. The proposed height of the academic building/student activity centre was decreased by 14m as compared with the previously approved scheme.

17. Members had no questions on the application.

Deliberation Session

18. A Member expressed no objection to the technical adjustment of the development proposal by redistributing the non-domestic GFA to domestic GFA to facilitate the hostel development, but had concerns on the overall layout design of the proposal. Notwithstanding the incorporation of a sky garden in the proposal, this Member considered that the linear alignment of the hostel blocks along the boundary of the site would result in wall effect and a crowded layout. The Chairperson remarked that the foothill location and the configuration of the site had imposed design constraints on the hostel development. The layout of the scheme had already been approved by the Committee and the current application was a technical amendment to the previously approved scheme.

19. While not objecting the application, another Member enquired the need to provide hostels for university students under the new education policy. As for CityU, this Member considered that as it was located in a prime urban location and the need for student hostels seemed not necessary. In response, Mr. P.C. Mok advised that under the new education policy, university students would be provided with hostel accommodation in any one year in the 4 years' curriculum. In addition, the increase of overseas and Mainland students studying in the Hong Kong universities and the rising expectations from the students for higher spatial and quality standards of living and common spaces had led to greater demand for student hostels. PlanD had been subject to pressure from the need to identify suitable sites in the urban area of Hong Kong for expansion of universities and provision of student hostels.

20. Members noted the demand for student hostels for local universities under the new education policy and also the difficulty in identifying urban sites for student accommodation and campus expansion. While agreeing that the layout could be better

planned, Members considered that the application was a technical adjustment to the previously approved scheme and the plot ratio of 3.37 was not excessive and was within the limit permitted under the zoning. Members also noted the site constraint and the lack of space for expansion for CityU at its existing campus.

21. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.3.2013, 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 design, layout and provision of vehicular access, run-in/run-out, footbridge, and the area designated for parking, loading/unloading facilities and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of landscape proposals including a compensatory planting scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission of a sewerage impact assessment on the local sewerage system and the implementation of any necessary sewerage upgrading works to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to consult the Chief Engineer/Development(2), Water Supplies Department regarding the arrangement of any protection, capping off and diversion of the existing mains. Existing water mains would be affected and the developer should bear the cost of any necessary diversion works affected by the proposed development;

- (b) to comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue regarding arrangement on emergency vehicular access; and
- (c) to apply to the District Lands Officer/Kowloon West, Lands Department for lease modification.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/670 Shop and Services (Showroom for Garments)
in “Other Specified Uses” annotated “Business” zone,
Workshops A9 and A10, G/F, Block A,
Hong Kong Industrial Centre,
489-491 Castle Peak Road,
Kowloon
(MPC Paper No. A/K5/670)

Presentation and Question Sessions

23. 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 for garments);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period

and no local objection was received from the District Officer (Sham Shui Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(B)”) zone allowed greater flexibility in the use of the existing industrial or industrial/office buildings provided that the use would not induce adverse fire safety and environmental impacts. The shop and services (showroom for garments) use under application was considered generally in line with this planning intention and complied with the Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) in that it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. According to D of FS, Block A of the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on ground floor (G/F) and the showroom use under application should not be counted up to the aggregate commercial floor area. The Director of Fire Services had no objection to the application as the showroom use at the premises was not incompatible with the uses of the subject industrial building which mainly comprised garment showrooms and canteens on the G/F and garment manufacturing/ trading firms on the upper floors. Previous application for temporary showroom with ancillary storage for a period of 3 years (Application No. A/K5/574) was approved by the Committee. There had been no material change in planning circumstances since approval of the previous application on 15.10.2004.

24. Members had no question on the application.

Deliberation Session

25. 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 subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2009; 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.

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

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for the temporary wavier to permit the applied use should the extent of the applied use exceed that permitted under the current waivers covering the premises; and
- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the change in use was complying with the Buildings Ordinance, in particular, the provision of 2-hour fire resisting separation walls between the premises and the remaining portion of the building in accordance with Building (Construction) Regulation and Code of Practice for Fire Resisting Construction 1996.

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

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

Kowloon District

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/230 Proposed Public Utility Installation (Gas Pigging Station)
in “Other Specified Uses” annotated “Sewage Treatment Plant” zone,
near Sung Ping Street,
To Kwa Wan
(MPC Paper No. A/K9/230B)

27. The Secretary reported that the application was submitted by The Hong Kong and China Gas Co. Ltd. (HKCGCL), partly owned by Henderson Land Development Co. Ltd. (HEND). Mr. Raymond Y. M. Chan had declared an interest in the item as he had current business dealings with HEND. Nevertheless, the applicant had requested for a deferment of consideration of the application and Mr. Chan had tendered his apology for not being able to attend the meeting.

Presentation and Question Sessions

28. The Committee noted that on 4.3.2009, the applicant’s agent wrote to the Secretary of the Board (the Board) indicating that he was in the process of preparing assessment to address the departmental and public comments received on the application and further discussion was held with the Planning Department on 2.3.2009 on the supplementary information to be submitted. As he needed more time to prepare for the supplementary information, he requested the Board to further defer making a decision on the application for another 2 months.

Deliberation Session

29. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further 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 further information from the applicant. The Committee also agreed to advise the applicant that a maximum period of two months was allowed for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms. Jessica H.F. Chu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/229 Proposed Nurse Training Centre,
Residential Institution (Student Nurse Dormitory),
and Flat (Staff Quarters) in support of St. Teresa's Hospital
in "Residential (Group B)" zone,
20-22 Lomond Road,
Ma Tau Kok
(MPC Paper No. A/K10/229)

Presentation and Question Sessions

30. The Secretary reported that the application was submitted by The Mother Superior of the Soeurs de Saint Paul de Chatres (Hong Kong). The Committee noted that Professor N.K. Leung had declared an interest in this item and Professor Leung left the meeting for this item.

[Professor N.K. Leung left the meeting at this point.]

31. The Secretary informed the Committee that a petition was held before the meeting by 4 Owners' Committees of the residential developments near the application site and Ms. Rosanda Mok Ka-han, an elected councillor of the Kowloon City District Council

(KCDC). The petition letter was tabled at the meeting for Members' reference.

32. Ms. Jessica H.F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

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

(b) the proposed nurse training centre, residential institution (student nurse dormitory), and flat (staff quarters);

(c) departmental comments – Secretary for Food and Health (S for FH) supported the application at policy level. Other concerned Government departments had no objection to the application;

(d) 41 public comments were received during the statutory publication period and the predominant majority objected to the application. Most comments were made by the owners' committees (OCs) and residents living near the application site. Two KCDC Members (one of whom was Ms. Rosanda Mok Ka-han) had raised objection to the application. The major grounds of objection were incompatibility with the residential neighbourhood, adverse environmental and traffic impacts, impact on public safety and health hazards to the area, adverse hygiene and health risks to the nearby residents through the spread of germs/viruses, and the concern that the proposed development could be converted into hospital uses without any control from the Government. District Officer (Kowloon City) had no comment on the application at this stage but advised that the Town Planning Board should take into account all the comments gathered in the consultation exercise; and

(e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper in that :

- the application site was located on the east side of Lomond Road zoned “Residential (Group B)” “R(B)” on the approved Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/20 and was dominated by low to medium rise residential developments. The area to the west of the application site, across Lomond Road, was zoned “Government, Institution or Community” (“G/IC”) on the draft Ho Man Tin OZP No. S/K7/19 and was dominated by hospital uses including the St. Teresa’s Hospital and the Hong Kong Eye Hospital;
- the proposed development was intended to provide support to the St. Teresa’s Hospital. It would help boost the supply of nurses and alleviate manpower shortage in the healthcare sector. The application had policy support from the Food and Health Bureau. The proposed development, comprised predominately residential elements alongside nurse training facilities, was considered not incompatible with the land uses in this “R(B)” neighbourhood and the adjoining “G/IC” cluster on the Ho Man Tin OZP;
- the proposed development at the application site complied with all the development restrictions, including plot ratio and building height, as stipulated under the OZP. Moreover, the proposed building layout, scale, building height and setback distance had taken into account the adjacent residential developments. No major visual impacts were envisaged given the site configuration and its relationship with the surrounding visual context;
- given the nature and size of the proposed development, it was not expected that there would be significant adverse traffic impacts on the surrounding areas; and
- on the public comments, the applicant had confirmed that the proposed nurse training centre was different to a hospital in that it provided nurse training programmes built upon teaching courses for

academic knowledge and theory. All practical training for student nurses would be held within the St. Teresa's Hospital. The proposed nurse training centre could not, under any circumstances, accept patients from the Hospital. Furthermore, the Director of Health (D of H) advised that all private hospitals were required to register under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance and were under strict monitoring and scrutiny. If there were reports about hospital services provided outside the registered locations, D of H was empowered to authorize officers to inspect premises which were suspected to be used for the purposes of a hospital. If any person carried on a hospital without being duly registered, he should be guilty of an offence.

33. Members had the following main views and questions on the application :

Planning Intention and Control

- (a) whether, under the existing "R(B)" zoning for the application site, staff quarters and student nurse dormitory did not require planning application, hence the current application was for the nurse training centre component only;
- (b) whether a separate planning application would be required if the site was for hospital use;
- (c) whether the proposed development was compatible with the planning intention of the "R(B)" zone and the building height profile of the area;

Details of the Nurse Training Centre

- (d) what was the capacity of the two floors of the nurse training centre (1/F-2/F) and whether the staff quarters on the upper floors (11/F-14/F) were used by the students or the doctors of St. Teresa's Hospital;

- (e) noting that there was a pantry on the 10/F which might create fume nuisance to the adjoining buildings, whether the pantry could be deleted;

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

- (f) whether there were any medical facilities in the nurse training centre or medical waste arising from the centre;
- (g) what were the operation hours of the nurse training centre;
- (h) noting that an advisory clause was included in the planning approval to address the chimney impacts as stated in paragraph 8.1.7 (a) of the Paper, how would the Environmental Protection Department (EPD)'s concerns on traffic noise be addressed; and

Environmental Standards

- (i) whether there were different guidelines on the noise standards for student hostels and whether central air-conditioning was appropriate as it might generate noise impact and consumed more energy. As a wider environmental issue, the requirement of central air-conditioning to address traffic noise impact should be reviewed.

34. In response, Ms. Jessica H.F. Chu made the following main points :

Planning Intention and Control

- (a) staff quarters and student nurses dormitory were always permitted in the "R(B)" zone. The current application was for the nurse training centre (about 34% of the proposed gross floor area (GFA) for the development);
- (b) a separate planning application was required for hospital use at the site;
- (c) while the planning intention of the "R(B)" zone was for residential use,

there were other uses included in Column 2 of the Notes of the “R(B)” zone subject to approval by the Town Planning Board (TPB) based on individual merits of the proposal. The proposed nurse training centre was a Column 2 use of the “R(B)” zone. The application comprised about 34% of the total GFA for the nurse training centre and the predominant use (66% of the total GFA) was for residential use. The site was considered as a suitable location to provide a supporting facility to the hospital in the adjoining “G/IC” zone. Concerning the existing building height of the area, the residential developments in the vicinity of the site were in the range of 42-46mPD whereas the buildings related to the hospital to the west of the site were in a range of 30-49mPD and the Kowloon City Law Courts Building was about 70mPD. The existing buildings within the “R(B)” zone could be developed to a maximum building height of 80mPD upon development;

Details of the Nurse Training Centre

- (d) the capacity of the nurse training centre was 180 student nurses. The staff quarters at the upper floors were for doctors on shift and stand-by duties;
- (e) as indicated in Drawing A-3 of the Paper, the pantry on 10/F occupied a very small area and it could only be used for preparation of simple meals;
- (f) the applicant had confirmed that the nurse training centre was an educational facility similar to other universities or tertiary institutions which provided nurse training programmes. All practical training for student nurse would be held in the main hospital compound, and the training centre would not be equipped with medical facilities which could only be found within the hospital nor could it accept patients from the hospital;
- (g) information on the specific operating hours for the nurse training centre was not available. It was however noted that the student nurses would be required to work on shift; and

- (h) on environmental issue, Mr. C.W. Tse advised that EPD's concern on air quality was mainly about the boilers / chimney related to the hospital which might affect the proposed development. Noting that a site survey of the chimney would be carried out during the detailed design stage and the fresh air intake of the central air-conditioning system would be properly located, EPD had no objection to the application.

35. EPD's main concern was on the traffic noise impact from Lomond Road on the proposed development. The issue was resolved as central air-conditioning would be provided by the applicant in the proposed development. He clarified that EPD had not requested the applicant to provide central air-conditioning to address the traffic noise impact. Such provision was part of the applicant's development proposal and was considered acceptable to EPD. The noise impact arising from central air-conditioning could be addressed by way of engineering methods. Moreover, the noise standards would be applied regardless of the users as the prime objective was to ensure a reasonable sleeping environment for the public. EPD kept its environmental policies abreast with time and had been conducting researches with other departments and universities and progress was made to identify possible ways to improve the building design to address traffic noise impact. Mr. Tse advised that there had been a clear message for EPD in meeting with DCs, Legislative Council and at public consultation occasions that the environmental standards should not be compromised and proposals which did not comply with the standards should not be approved at the planning stage.

Deliberation Session

36. The Chairperson remarked that the principal use of the proposed development was student dormitory and staff quarters with a small portion for nurse training centre. It was predominantly residential in nature and it had been clearly demonstrated that it was not an encroachment of the hospital use onto the residential zone. This could, in part, address some of the public comments.

37. A Member considered the application acceptable considering the nurse training centre was purely for academic training, not practical training. Other Members supported

the application considering the genuine need to improve the medical system in expanding the nurse training facilities in Hong Kong.

38. A Member said that there was a rising need for hospital facilities in view of the increasing demand for health care services from the patients from Mainland and the ageing population of Hong Kong. For better utilization of the scarce land resources, it would be appropriate for the core hospital facilities to be provided on land designated for hospital use while the supporting facilities such as staff quarters and training centre could be located outside the hospital. As the student hostels and the training centre were accommodated in one building, the current proposal was not likely to create nuisance to the surrounding area.

39. A Member enquired if the operation hours of the nurse training centre could be specified to address the concern of adjoining residents. Members discussed this issue but generally considered that such a specification was not necessary as the nurse training centre and the student dormitory were in the same building which would unlikely cause nuisances to the surrounding area.

40. Another Member said that as the applicant had proposed hospital use in the previous application which was deleted in the current proposal, the locals might still hold the same impression and therefore raised objection to the current application. The fact that hospital use outside the registered location without a licence from the relevant authority was an offence and was liable to prosecution could help to address public concern.

41. A Member was concerned that the applicant had to resort to central air-conditioning to comply with the current environmental standards. This Member commented that central air-conditioning would increase the overall energy consumption and was not environmentally friendly and requested EPD consider to reviewing the environmental standards and policy to reduce energy consumption.

42. Mr. C.W. Tse said that EPD would consider the views of the Member. He reiterated that EPD did not require the applicant to install central air-conditioning system to address traffic noise problem in this application. Members generally had no strong view on the central air-conditioning system in the development as such system could be installed in residential development as well.

[Mr. Felix W. Fong left the meeting temporarily at this point.]

43. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of sewerage connection and upgrading works to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Kowloon West on the lease modification matters for the proposed development;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant was advised to avoid damage to the existing roadside tree (T1) especially during the construction stage; and

- (d) to note the comment of the Director of Environmental Protection to undertake a site survey of the chimney during the detailed design stage and the fresh air intake of the central air-conditioning system would be properly located at a location where the air quality would be within the Air Quality Objectives.

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

[The Chairperson thanked Ms. Jessica H.F. Chu, STP/K, for her attendance to answer Members' enquiries. Ms. Chu left the meeting at this point.]

[Miss Annie K.W. To and Miss Helen L.M. So, STPs/K, were invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/190 Proposed Shop and Services (Real Estate Agency)
 in "Other Specified Uses" annotated "Business" zone,
 Portion of Workshop No. 4B, G/F,
 Laurels Industrial Centre,
 32 Tai Yau Street,
 San Po Kong
 (MPC Paper No. A/K11/190)

Presentation and Question Sessions

45. Miss Annie K.W. To, 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 (real estate agency);
- (c) departmental comments – no adverse comments from concerned Government departments were received;

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

- (d) no public comment was received during the statutory publication period. The District Officer (Wong Tai Sin) advised that some locals expressed reservation over the application on the ground that the business of other existing operators might be affected; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The "Other Specified Uses" annotated "Business" ("OU(B)") zone was intended for general business uses and allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the proposed use would not induce adverse fire safety and environmental impacts. Similar applications had been approved for other workshop units on the G/F of the subject building and its vicinity. The proposed use of real estate agency at the application premises was considered generally in line with the planning intention. 'Shop and Services' uses were generally found on the ground floors of the existing industrial buildings in the area. The proposed use under application complied with the Town Planning Board Guidelines for Development within the "OU(B)" Zone (TPB PG-No. 22D) in that it would not have adverse impacts on fire safety aspect and car parking provision in the existing industrial building. The proposed use at the application premises would not be expected to induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Regarding the local view, it was considered that the application was generally in line with the planning intention of the "OU(B)" zone and similar planning approvals in the area had been granted.

46. Members had no question on the application.

Deliberation Session

47. 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 13.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary wavier or lease modification; and
- (b) to ensure that the means of escape of the rear part of Workshop No. 4B would not be adversely affected by the proposal.

[The Chairperson thanked Miss Annie K.W. To, STP/K, for her attendance to answer Members' enquiries. Miss To left the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/585 Proposed Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Unit 1A, G/F,
 Century Centre,
 44 and 46 Hung To Road,
 Kwun Tong
 (MPC Paper No. A/K14/585)

Presentation and Question Sessions

49. Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 2 public comments supporting the application were received from a Kwun Tong Central Area Committee member and the owners’ corporation of a nearby building during the statutory publication period and no local objection was received from the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(B)”) zone was intended for general business uses and allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the

proposed use would not induce adverse fire safety and environmental impacts. Similar applications had been approved for other workshop units on the ground floor (G/F) of the subject building and its vicinity. The proposed use at the application premises was considered generally in line with the planning intention. 'Shop and Services' uses were generally found on the G/F of the existing industrial buildings in the area. The application complied with the Town Planning Board Guidelines for Development within the "OU(B)" Zone (TPB PG-No. 22D) in that it would not have adverse impacts on fire safety aspect and car parking provision in the existing industrial building.

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 13.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separating the subject premises from the industrial portion of the building and fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above 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.

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

- (a) to apply to the District Lands Officer/Kowloon East for a temporary waiver

for the proposed shop and services use at the subject premises;

- (b) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction; and
- (c) to ensure that the proposed change in use should comply with the Buildings Ordinance, in particular, the provision of 2-hour fire resisting separation wall between the application premises and the remaining portion of existing workshops on G/F in accordance with paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and provision of access and facilities for persons with a disability under Building (Planning) Regulation 72.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/586 Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Unit N, G/F,
 Everest Industrial Centre,
 396 Kwun Tong Road,
 Kwun Tong
 (MPC Paper No. A/K14/586)

Presentation and Question Sessions

53. 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 shop and services;

- (c) departmental comments – Director of Fire Services (D of FS) objected to the application from fire safety point of view as the aggregate commercial floor area of the subject building would exceed the maximum permissible limit of 460m²;
- (d) 1 public comment supporting the application was received during the statutory publication period and no local objection was received from the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. Having taken into account the relevant considerations in the Town Planning Board Guidelines No. 22D and previous and similar applications at the units on the ground floor (G/F) of the subject industrial building, the total commercial floor area (i.e. the sum of total approved floor area and the floor area of the current application) had exceeded the maximum permissible limit of 460m². D of FS had raised objection to the 'Shop and Services' use in the current application from fire safety point of view on the ground of exceedance of the maximum permissible limit of 460m² on the G/F of the subject building.

54. Members had no question on the application.

Deliberation Session

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

- (a) the 'Shop and Services' use did not comply with the Town Planning Board Guidelines for Development within "Other Specified Uses" annotated "Business" Zone (TPB PG-No. 22D) as the total floor area accountable for the aggregate commercial floor area had exceeded the maximum permissible limit of 460m² ; and

- (b) the Director of Fire Services had raised objection to the ‘Shop and Services’ use from fire safety point of view.

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

Hong Kong District

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/380 Proposed Institutional Use (Community Service Centre)
in an area shown as “Road,
Government Land beneath Canal Road Flyover
between Jaffe Road and Lockhart Road
(MPC Paper No. A/H5/380)

56. The Secretary reported that the application was submitted by Hong Kong Federation of Women Ltd (HKFWL). Ms. Starry W.K. Lee, who was a member of a subsidiary organization of HKFWL, had declared an interest in this item. According to the Guidelines for Declaration of Interests in the Town Planning Board Procedure and Practice, Ms. Lee was required to declare an interest but she could stay in the meeting to join the discussion as her interest was indirect.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed institutional use (community service centre);
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) 3 public comments were received during the statutory publication period, including one objection from a group of residents of a nearby building on traffic grounds and two other comments/suggestions that the site should be provided as a post office or reserved as a multi-purpose activity centre as such facilities were lacking in Wan Chai. There was no objection received by the District Officer (Wan Chai) on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 9 of the Paper in that :
 - the proposed development was an extension to the existing HKFW Service Centre adjoining the application site to provide additional space for activity room, meeting rooms and office to meet the increasing usage of the Service Centre. The proposed use was not incompatible with the uses in the area which were mixed commercial/residential developments. While the application site was subject to some environmental constraints due to its location underneath a flyover, the proposed use was an acceptable use under the requirements stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). Director of Environmental Protection had no objection to the application but advised that appropriate air-conditioning/ventilation and window insulation should be provided to alleviate the potential air quality and noise nuisances. In this regard, an approval condition was recommended in the planning approval, should the application be approved;

- the proposed development would unlikely generate any adverse impact on the traffic and infrastructure capacities in the area; and
- as regards the public concern on traffic, the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no objection to the application. AC for T/U had reservation on the suggestion for a post office at the site from traffic point of view and the suggestion of a multi-purpose activity centre might not be suitable due to the environmental constraints of the site.

58. Members in general had no objection to utilize land beneath flyovers for institutional use. Members had the following questions / comments on the technical aspects of the application :

- (a) noting that there was no proper pedestrian facilities in the vicinity, there was concern about the safety on pedestrians street crossing to the site;
- (b) what were the existing use of the area to the north of the site and the traffic and pedestrian arrangements for the proposed development;
- (c) whether there was any specific fire safety requirement from the Fire Services Department on the proposed development;
- (d) noting that part of the proposed development was at the junction of Jaffe Road and Canal Road East and West, there was concern about the blocking of ventilation at Jaffe Road caused by the development, concern was also expressed on air ventilation for the development; and
- (e) in view of the fact that the application site was at a prominent location beneath the flyover, there was concern on the external design of the building.

59. In response, Ms. Donna Y.P. Tam made the following main points :

- (a) as shown in the Block Plan (Appendix I of the Paper), there was no planned pedestrian crossing facilities in the area. The pedestrians accessed the existing HKFW Service Centre from Canal Road East. The area north of the site (which was a safety island) was currently vacant with supporting columns of the flyover. The existing HKFW Service Centre would be extended to the application site with a new main entrance at Canal Road West as shown in the Ground Floor Plan (Appendix 1 of the Paper);
- (b) there was pedestrian pavement in the southern part of existing HKFW Service Centre at the junction of Lockhart Road and Canal Road West. There was an U-turn junction to the north of the site which was about 10m in width. Vehicles could enter Canal Road East via the U-turn junction from Canal Road West and pedestrians normally crossed Canal Road via the safety island. TD had requested that the proposed structures of the application should be set back at least 500mm from the carriageway for traffic safety;

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

- (c) the Fire Services Department (FSD) had requested the applicant to provide fire service installations and water supplies for fire fighting for the proposed development to their satisfaction;
- (d) the Environmental Protection Department (EPD) had requested the applicant to select a proper location for fresh-air intake and provide appropriate central air conditioning / ventilation and window insulation to ensure environmental quality. Approval condition in this aspect was recommended in the planning approval; and
- (e) notwithstanding that there was no specific design requirements for building structures beneath flyovers, the HKPSG had provided some design guidelines for reference.

Deliberation Session

60. Members had no objection to the application as it would result in better utilization of land beneath flyovers for institutional use. A few Members said that the area beneath Jaffe Road already had a variety of street life and activities which had fostered a unique character of the area. As such, the application could be supported from the land use point of view. Some Members raised concerns on three technical aspects, namely, traffic arrangement and pedestrian safety, external façade design and air ventilation at Jaffe Road.

61. A Member expressed concern about access arrangement and traffic safety in the area and considered that further building setback from the carriageway to facilitate vehicle turning and pedestrian crossing would be appropriate. This view was echoed by another Member who considered that the sightline at the U-turn junction at Jaffe Road was not satisfactory.

62. In response, Mr. Anthony Loo clarified that the setback of the proposed structures by 500mm from the carriageway was not to encourage pedestrian crossing at this location but to ensure traffic safety. TD would encourage pedestrians crossing at Gloucester Road instead. Notwithstanding, appropriate pedestrian measures such as railings to channel pedestrians crossing at suitable locations could be provided if necessary. The sightline issue at this location was considered satisfactory from the traffic point of view. He acknowledged that the traffic pattern in the area was constrained by the flyover which had been in existence for a long time.

63. Concerning the external design of the proposed building, a Member said that the façade design of the proposed development was not satisfactory and considered that for the sites to be assigned to non-profit making organizations, it would still be worthy to request for a better façade treatment of these developments. This Member also had concern on the external façade of the existing building and had requested PlanD to liaise with the applicant to improve the façade treatment of the existing building in order to tally with the proposed extension. This was echoed by another Member who considered it appropriate to impose a condition requiring the applicant to improve the façade design for the proposed development. Another Member said that it might not be easy to identify suitable use for land beneath

flyovers. Non-profit making organization was an appropriate user. However, these organizations were usually budget tight and might not be able to commit much resources on façade design, it was suggested that PlanD should provide more advice to the applicant on the design requirements. Members generally agreed to impose an approval condition to improve the external design of the proposed building.

64. On the air ventilation aspect, a Member did not support the current proposed layout as it would block air ventilation and visual permeability along Jaffe Road. This Member considered that the applicant should revise the layout to maintain a non-building area in between the existing building and the proposed extension so that a clear access could be maintained through to Jaffe Road to improve air ventilation in this congested area. This view was shared by some Members who considered that Highways Department (HyD)'s requirement for a vertical clearance of at least 1.5m to be maintained between the proposed structures and the soffit of highway (paragraph 7.1.5(b) of the Paper) to facilitate maintenance and inspection of the existing highway structures was not enough to enable air flow in this part of Jaffe Road. Members agreed that the applicant should be requested to revise the current layout to provide a gap between the existing and the proposed building blocks for ventilation purpose. While some Members supporting the proposal, some expressed concern that the provision of a gap would mean separating the development into two parts rendering the use of floor space quite inefficient as there were already two columns standing in the middle of the block.

65. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.3.2013, 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 of proposal on the external building design of the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised layout to include a non-building area between the existing building and the proposed extension to enable air ventilation to the satisfaction of the Director of Planning or of the TPB;

- (c) setting back of the proposed structures (including any projections after their opening, such as doors, windows, etc.) for at least 500mm from the carriageway to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) maintenance of a clearance of at least 1.5m between the proposed structure and the highway structure to the satisfaction of the Director of Highways or of the TPB;
- (e) the provision of appropriate air-conditioning/ventilation and window insulation to alleviate the potential air quality and noise nuisances to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (f) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comment of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding application for exemption under section 31(1) of the Buildings Ordinance for the proposed building to be erected under the existing Canal Road flyover;
- (b) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department (HyD) regarding the structures to be erected and demarcation of lot boundary as follows :
 - a clearance of at least 1.5m should be maintained between the proposed structures and the highway structure to facilitate maintenance and inspection of the existing highway structures by HyD;
 - the structures erected or to be erected should not affect the integrity

and stability of the flyover and the nullah deck underneath the flyover along Canal Road East. The Authorized Person (AP) should submit engineering design, drawings, and supporting data including necessary investigation results to satisfy HyD that the flyover and the nullah deck would not be adversely affected by the proposed structures and associated installations, prior to commencement of works;

- the AP should confirm the exact setting out of the lot boundary with Lands Department (LandsD);
 - the AP should provide clear demarcation line on ground along and within the lot boundary to differentiate the maintenance responsibilities between the lot owner and the Government;
 - the AP should observe other conditions as specified in the Engineering Conditions as given in the tenancy agreement with LandsD; and
- (c) to note the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD)'s comments on waterworks reserve that the existing fresh and salt water mains will be affected. A waterworks reserve within 1.5m from the centreline of the concerned water mains should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve were required to seek authorization from the Water Authority. If diversion of the water mains was required, the applicant should bear the cost of any necessary pipeworks diversion affected by the proposed development.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/57 Proposed Minor Relaxation of Building Height Restriction
to Allow 1 Storey of Sky Garden and 2 Basement Storeys
in “Residential (Group C) 5” zone,
21 Tai Tam Road,
Tai Tam
(Rural Building Lot No. 618 and Extension)
(MPC Paper No. A/H18/57B)

Presentation and Question Sessions

67. The Committee noted that on 27.2.2009, the applicant submitted a letter to the Secretary of the Board (the Board) to request for the third extension of the time period for submitting further information for a further 2 months. The applicant mainly expressed that after the requested information on a previous planning application was provided by the Board in January 2009, the applicant had been undertaking further design refinements based on the information provided and more time was required for the design studies.

Deliberation Session

68. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further 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 further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months was allowed for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairperson thanked Ms. Donna Y.P. Tam, STP/HK, for her attendance to answer Members’ enquiries. Ms. Tam left the meeting at this point.]

Agenda Item 15

Any Other Business

69. There being no other business, the meeting was closed at 11:30 a.m..