

TOWN PLANNING BOARD

Minutes of 401st Meeting of the Metro Planning Committee held at 9:00 a.m. on 7.8.2009

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

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Dr. Winnie S.M. Tang

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mrs. Shirley S.L. Lee

Assistant Director (Kowloon)(Ag.),
Lands Department
Ms. Anita K.F. Lam

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

Secretary

Absent with Apologies

Mr. K.Y. Leung

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Ms. Starry W.K. Lee

Mr. Mauice W.M. Lee

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

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
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 400th MPC Meeting held on 24.7.2009

[Open Meeting]

1. The draft minutes of the 400th MPC meeting held on 24.7.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

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

Tsuen Wan and West Kowloon District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/679 Shop and Services (Fast Food Shop)
in “Other Specified Uses” annotated “Business” zone,
Workshop B01, G/F, New Timely Factory Building,
497 Castle Peak Road, Kowloon
(MPC Paper No. A/K5/679)

Presentation and Question Sessions

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

- (a) background to the application highlighting that no previous application was involved and the site was currently occupied by a fast food shop without planning permission;
- (b) proposed shop and services (fast food shop) use with a site area of 30m²;
- (c) departmental comments – concerned Government departments had no objection or no comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by 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 in paragraph 11 of the Paper. The proposed fast food shop was considered generally in line with the planning intention of the “OU(Business)” zone. It complied with the Town Planning Board Guidelines No. 22D on Development within “OU(Business)” Zone. It was not incompatible with the uses of the subject industrial building which mainly comprised godown, management office and loading/unloading areas. No public comment on the application was received during the statutory public inspection period.

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) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises, within 6 months from the date of the approval to the

satisfaction of the Director of Fire Services or of the TPB by 7.2.2010; 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.

6. The Committee also agreed to advise the applicant :

- (a) to note that prior planning permission should have been obtained before commencement of the development;
- (b) to apply to the District Lands Officer/Kowloon West, Lands Department for the temporary waiver to permit the applied use; and
- (c) to consult the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the change in use would comply 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' enquires. Mr. Mok 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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/406 Proposed Religious Institution (Church)
in “Residential (Group A) 8” zone,
Portions of Ground Floor and Carpark Level 1 of Podium A,
Riviera Gardens, 1-7 Yi Hong Street, Tsuen Wan
(MPC Paper No. A/TW/406)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the premises had been used for restaurant and was presently vacant;
- (b) proposed religious institution (church) with an area of 717.3m² accessible directly from Yi Hong Street with an internal staircase connecting the ground floor and Carpark Level 1;
- (c) departmental comments – concerned Government departments had no objection or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the statutory public inspection period, four public comments were received. Three of them supported the application while one of them had no comment. No local objection/view was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed church was located in the purpose-built non-domestic portion of Riviera Gardens which was a composite commercial/residential

development. It was considered compatible with other commercial uses on ground floor and Carpark Level 1 of the podium and was not incompatible with the surrounding land uses mainly comprising composite commercial/residential developments. The proposed change of use from a restaurant use to another non-domestic religious institution use would not incur any change in domestic and non-domestic gross floor area restrictions of the development and the existing number of car parking space. Chief Building Surveyor/New Territories West, Buildings Department advised that there would be no change in development parameters. As there was a direct access to the premises from Yi Hong Street and an internal staircase connecting the ground floor and Carpark Level 1, the activities of the proposed church would unlikely have adverse impacts on the residents. Concerned Government departments had no adverse comment on the application.

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

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 7.8.2013, 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 fire service installations to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010; 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.

10. The Committee also agreed to advise the applicant :
- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a waiver to permit the applied use at the subject premises; and
 - (b) to submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance and its regulations.

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

Hong Kong District

[Mr. Tom C.K. Yip, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/H8/396 Proposed Minor Relaxation of Building Height Restriction
for a Proposed Hotel Development
in "Commercial/Residential" zone,
96-106 Java Road, North Point
(MPC Paper No. A/H8/396)

Presentation and Question Sessions

11. The Secretary reported that a letter of 4.8.2009 from the applicant's representative which was tabled at the meeting was received after the relevant MPC Paper was issued. The applicant's representative requested for deferment of the consideration of the application for 2 months in order to allow time for him to address the comments made by Urban Design Section of Planning Department on the proposed building height. The

Secretary said that the request for deferment complied with the criteria for deferment as set out in the relevant Town Planning Board Guidelines No.33.

Deliberation Session

12. 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, STP/HK, for his attendance to answer Members' enquires. Mr. Yip left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting]

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
(MPC Paper No. A/H18/57)

Presentation and Question Sessions

13. The Committee noted that the applicant's representative on 29.7.2009 had requested for deferment of the consideration of the application for 2 months in order to allow time for him to consider the implications of the revised options to address 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.

Kowloon District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/K10/232 Proposed Place of Recreation, Sports or Culture
(Annex Building for Ko Shan Theatre)
in “Open Space” and “Road” zones,
Ko Shan Road Park, 77 Ko Shan Road, Ma Tau Kok
(MPC Paper No. A/K10/232)

Presentation and Question Sessions

15. The Committee noted that the applicant’s representative on 29.7.2009 had requested for deferment of the consideration of the application for a month in order to allow time to resolve comments from Government departments on the application.

Deliberation Session

16. 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.

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/590 Proposed Government, Institution or Community Use
(Methadone Clinic) in an area shown as 'Road' zone,
Part of Kwun Tong Road/Hoi Yuen Road Roundabout,
near Kwun Tong MTR Station, Kwun Tong
(MPC Paper No. A/K14/590)

17. The Secretary said that as the application was submitted by the Urban Renewal Authority (URA), the following Members had declared interests in this item :

Mrs. Ava S.Y. Ng as the Director of Planning	}	being non-executive directors of the URA;
Mr. Walter K.L. Chan	}	
Mr. Maurice W.M. Lee	-	being a former non-executive director of the URA with the term of office ended on 30.11.2008;
Professor Bernard V.W.F. Lim	-	having current business dealings with the URA;
Mr. Nelson W.Y. Chan	-	being a Member of the Kwun Tong District Advisory Committee (DAC) of the URA who had submitted comment during the publication period of the subject application;
Ms. Starry W.K. Lee	-	being an ex-Member of the Kowloon City DAC of the URA;
Mr. Raymond Y.M. Chan	-	being a Member of the Home Purchase Allowance (HPA) Appeals Committee;
Ms. Anita Lam	-	being an assistant to the Director of

as the Assistant Director of the Lands Department (Acting)	Lands who was a non-executive director of the URA; and
Mr. Andrew Tsang as the Assistant Director of the Home Affairs Department	- being an assistant to the Director of Home Affairs who was a non-executive director of the URA.

18. The Committee noted that Mr. Maurice W. M. Lee was no longer a non-executive director of URA from 30.11.2008 onwards, he should be allowed to stay in the meeting. Ms. Starry W.K. Lee should also be allowed to stay in the meeting as the DAC she was an ex-member was advisory in nature to the URA and the area of work did not relate to the subject application. Both of them had not yet arrived to join the meeting. As the HPA Appeals Committee was not appointed by or under the URA, the Committee had agreed that Mr. Raymond Y.M. Chan's interest was indirect and he could stay at the meeting. The interests of the other Members were considered direct and they should leave the meeting for the item. The Committee noted that Professor Bernard V.W.F. Lim had not yet arrived at the meeting while Mr. Andrew Tsang had tendered apologies for being unable to attend the meeting. As the Chairperson had declared an interest and needed to leave the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting for this item. The Vice-chairman chaired the meeting at this point.

[Mrs. Ava S.Y. Ng, Mr. Walter K.L. Chan, Mr. Nelson W. Y. Chan and Ms. Anita Lam left the meeting temporarily at this point.]

19. The Vice-chairman asked Members to note that a petition was received from a resident group of Yuet Wah Street on the subject application and it was tabled at the meeting.

Presentation and Question Sessions

20. With the aid of a powerpoint, 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 highlighting that the proposed Methadone Clinic (MC) was required for the reprovisioning of the existing Kwun Tong Methadone Clinic (KTMC) currently located within the Kwun Tong Jockey Club Health Clinic (KTJCHC), which would be affected by URA's Kwun

Tong Town Centre (KTTC) redevelopment. The subject application site was located at the north-eastern part of the Kwun Tong Road/Hoi Yuen Road Roundabout and was about 70m from the existing KTJCHC. It was close to the concourse of the Kwun Tong MTR Station (KTMTRS) and at a distance from the residential developments at Yuet Wah Street. The entrance of the MC was connected to the elevated footbridge linking to Entrance C of the KTMTRS and a rest garden nearby. Owing to the public concern on public security, environmental and hygiene problems, KTMC was not reprovisioned at the new KTJCHC at the Yuet Wah Street Site which was close to the residential neighbourhood. Both Kwun Tong District Council (KTDC) and Kwun Tong District Advisory Committee (KTDAC) agreed to URA's proposal to relocate KTMC to the Kwun Tong Road roundabout near KTMTRS i.e. the application site ;

- (b) the site area for the proposed MC was about 210m² with a plot ratio of 2 and site coverage of 100%. The total gross floor area would not be more than 420m² and the building height was 20mPD with 4 storeys. The proposed MC was at 2/F which was the entrance level of KTMC and was at the same level of the MTR concourse. About 20m² and 9m² were dedicated as the waiting area and the outdoor queuing area respectively at 2/F level for the MC. The G/F was intended for clinic facilities and plant room while the 1/F was for clinic staff facilities and plant room and the 3/F was for plant room use;

(Mr. Felix Fong arrived to join the meeting at this point.)

- (c) departmental comments – Commissioner for Narcotics, Security Bureau supported the proposed MC which was necessary to meet the service needs. Director of Health (D of H) had no objection to the location and accommodation. The proposed MC would provide essential service to MC users (300 daily) in Kwun Tong and Tseung Kwan O. It was not feasible to merge KTMC with Ngau Tau Kok MC (NTKMC) which was too small to absorb the patients from KTMC. He also had no objection to dedicated pedestrian access for the proposed MC but he would not take up the

management and maintenance responsibility. Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no in principle objection to the application. The operation hours of the proposed MC (6 p.m. to 10 p.m.) was not during the peak hours (7:45 a.m. to 9:15 a.m.) of the KTMTRS. The existing elevated walkway connecting to the proposed MC was considered sufficient to absorb the additional daily users of the proposed MC. In this regard, he had reservation on the need to provide pedestrian access solely for the MC. District Officer (Kwun Tong) advised that KTDC supported the relocation of the KTMC to the application site. KTDAC had no objection. However, some KTDC members had concerns on shared access between MC users and MTR Station users, potential nuisance and inconvenience to Yuet Wah Street residents, justification for two MC in Kwun Tong District and whether the proposed MC could merge with NTKMC. District Lands Officer/Kowloon East, Lands Department had no adverse comment on the application. Project Manager/Kowloon, Civil Engineering and Development Department (PM/K, CEDD) advised that upon completion of CEDD's proposed lift tower and footbridge, some pedestrian flow would be diverted to Entrance D of KTMTRS though no detailed figures on the diverted flow were available at this stage. There was no objection from Chief Town Planner/Urban Design and Landscape, Planning Department as the proposed design and landscape treatment would blend in with the existing KTMTRS. Other relevant departments also had no objection to the application;

- (d) MTR Corporation Limited (MTRCL) had agreed in-principle to locate the proposed MC at the KTMTRS roundabout. However, there was concern on the lack of segregation between the passengers and the MC users using the elevated walkway. URA should try to refrain the MC users from queuing or loitering in the public area along the elevated walkway during the MC's operating hours;
- (e) a total of 1,623 public comments were received during the statutory publication period. Among them, about 88.6% objected to the application

while 11.4% supported the application. For those supporting the application, they considered that the proposed location would cause less disturbance to the residents and would discourage loitering because of high pedestrian flow; the separate location from the KTJCHC which was away from the residential areas was a better arrangement for the KTJCHC users and the local residents; and the waiting area was sufficient for MC users. For those objecting to the application, they considered that the proposed location was too close to the school and residential area which caused concerns on security issue; the use of the lift and footbridge as an alternative route to KTMTRS was unacceptable; the nearby rest garden might be occupied by MC users who would cause serious security threat; and the pedestrian traffic impact assessment (TIA) had not taken into account the MC users' habit of loitering;

- (f) six alternative locations had been studied by URA to address the public concerns. Three of them were located at the same roundabout as the application site but they were considered not suitable. The one at the northern part of the roundabout (Option A) would cause concern to the existing users if there were additional pedestrian flow and it was also in conflict with the improvement works of MTR. The one at the south-western part of the roundabout (Option B) did not have sufficient area to accommodate the MC. For the one at the southern part of the roundabout (Option C), additional pedestrian flow would aggravate the current congestion problem. The option of in-situ reprovisioning within the KTTC scheme (Option D) was not suitable as the area would be part of the internal traffic circulation area of the KTTC redevelopment. Another alternative site at Fuk Tong Road (Option E) would be used as temporary bus terminus and KTDC objected to this location owing to its proximity to residential areas. The last option at Yuet Wah Street site (Option F) was also too close to residential areas and was not supported by KTDC;
- (g) alternative design options were also considered by URA. These included locating the MC at G/F connected by at-grade pedestrian crossing or subway but it was considered not feasible as the G/F was used as a service

road for the MTR station and the at-grade crossing across the Kwun Tong Road roundabout was unacceptable on traffic terms. Widening the existing elevated walkway or provision of an open-air dedicated footbridge was not supported as neither of them could be justified by additional pedestrians resulting from the proposed MC and the existing elevated walkway could absorb the additional pedestrian flow;

(Dr. Winnie Tang arrived to join the meeting at this point.)

- (h) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper and highlighted as follows:

location and land use consideration

- the application site being close to the existing KTMC was easily accessible and it would also be at a distance from the busiest pedestrian streets in Kwun Tong Town Centre and the residential neighbourhood around Yuet Wah Street. It occupied the north-eastern portion of the existing roundabout surrounded by some amenity areas and KTMTRS M&E facilities and hence significant adverse impact on the surrounding land uses was not anticipated;

Impact on pedestrian traffic

- according to AC for T/U, the additional pedestrian flow generated by the proposed MC would unlikely affect the pedestrian flow near the KTMTRS entrance and the elevated walkway as the operation hours of the proposed MC was different from the peak hours of the KTMTRS. The pedestrian TIA demonstrated that the queuing and waiting area of about 29m² within the MC could fully cater for all the MC users waiting for treatment on-site; and

Response to public comments

- regarding the public comments, it should be noted that the proposed MC was required to provide essential services. NTKMC was too

small to absorb the MC users of KTMC. The proposed MC was at a distance from the residential areas in Yuet Wah Street. AC for T/U, TD also advised that the additional pedestrian flow arising from the proposed MC could be absorbed by the existing elevated walkway. Moreover, the possible loitering problems could be resolved through proper management;

Other concerns

- there was no adverse comment on the design, disposition and landscaping aspects. MTRCL's concern on segregation between MTR passengers and MC users could be resolved at the detailed design stage. All other concerned departments had no objection to the application or had no adverse comments on the technical assessments.

21. Members raised the following questions/concerns on the application:

- (a) in view of the location of the entrance of the MC which would connect to the elevated walkway leading to the MTR station and the public concerns on the possible nuisances caused by the MC users to the pedestrians, whether URA had explored the option of providing a separate access for the MC at 1/F or G/F level so that it would not link up to Entrance C of the KTMTRS directly; and whether URA could re-design the MC to locate the entrance at a less prominent location;
- (b) whether there was any direct access to the Kwun Tong Road/Hip Wo Street Rest Garden nearby without passing through the entrance to the MC;
- (c) the location of the reprovisioning site for the existing KTJCHC and the timing of its availability and its distance from the subject application site;
- (d) the completion time of the MC at the application site and CEDD's proposed lift towers and footbridge linking Yuet Wah Street and Entrance D of KTMTRS;

- (e) the number of complaints received on the existing KTMC;
- (f) whether any alternative site at a less prominent location could be identified for the reprovisioning of the KTMC; and
- (g) whether consideration had been given to expand the existing Ngau Tau Kok MC to absorb the users of the KTMC.

22. To respond to the questions from Members, Miss Helen L. M. So made the following main points:

- (a) it was not feasible to provide access to the MC at the ground floor level as the MC would encroach upon the existing service lane used for the MTR station's maintenance. The applicant had not indicated if it was possible to locate the MC access at the 1/F or 3/F level. The current access at 2/F was considered as the most convenient location as it could be connected at the same level to the elevated walkway;
- (b) currently, access to the Kwun Tong Road/Hip Wo Street Rest Garden could be made via the elevated walkway at Entrance C of the KTMTRS. There was no other direct access;
- (c) according to the Master Layout Plan of the URA's KTTC redevelopment scheme, KTJCHC would be reprovisioned at the existing Yuet Wan Street bus terminus site with residential development above. The residents at Yuet Wah Street had raised grave concerns on the proposal to locate KTMC at this site as it would be too close to the residential neighbourhood. URA did not pursue further on this location taking into account views of the residents. The development was anticipated to be completed by 2015/2016;
- (d) the construction of the MC at the subject application site would commence in 2010 and be completed by 2013. CEDD advised that the proposed lift towers and footbridge linking Entrance D of the KTMTRS would be

completed by 2013/2014 according to the current programme;

- (e) the number and type of incidents occurred at the existing KTJCHC between Jan 2009 and May 2009 was provided by the Commissioner of Police (C of P) and attached at Appendix II of the Paper. There were altogether 19 number of cases recorded in this period of time;
- (f) URA had studied the feasibility of three alternative locations at the same roundabout of the application site. These sites were considered not suitable for reasons including: (i) insufficient space to meet operation need of KTMC; (ii) an increase in the pedestrian traffic which would aggravate the congestion problem; (iii) in conflict with the planned improvement works for KTMTRS. The subject application site was considered the most desirable location; and
- (g) D of H advised that the capacity of the existing NTKMC could not absorb the users of KTMC but there was no indication if NTKMC could be expanded to incorporate KTMC.

Deliberation Session

23. A Member noted the views submitted by the residents of Yuet Wah Street in the petition. This Member considered that the proposed site was not suitable in view of its close proximity to Kwun Tong Road/Hip Wo Street Rest Garden and the MTR station entrance which might cause potential nuisance and inconvenience to residents passing by. The applicant had failed to consider other options such as the expansion of NTKMC to take up the users of KTMC.

24. Another Member shared the view of this Member regarding the possible nuisance created by the MC users to residents nearby, particularly with its direct connection to the Kwun Tong Road/Hip Wo Street Rest Garden. This Member did not support the proposed location for reprovisioning the KTMC and opined that the expansion of NTKMC to incorporate the KTMC should be explored.

25. One Member said that the application site was at a prime location and this Member had reservation using the site for reprovisioning of KTMC. The MC users might also prefer a less prominent location. This Member asked the applicant to identify an alternative site at a less prominent location with dedicated access within the KTTC redevelopment scheme area.

26. Another Member considered that there was a need to reprovision the KTMC in view of the 300 registered users it served. However, the proposed location was undesirable due to the impact on pedestrian flow and the nuisance caused to the residents. Noting that NTKMC was not far away from KTMC, this Member opined that the expansion of the NTKMC to incorporate the KTMC could be a possible solution.

27. In response to the Vice-chairman's enquiry on the size of NTKMC and its usage, Miss Helen L. M. So said that the NTKMC was a small clinic serving about 100 registered users while KTMC had to serve 300 users. The former was located inside a health clinic. She also indicated that the frequency of visits at KTMC per year (60,000) was much more than that of the NTKMC (23,000). Responding to the Vice-chairman's further enquiry, she said that there was a decreasing trend in the number of MC users from 183,000 in 2000 to 168,000 in 2008 for the whole Kwun Tong District.

28. Noting the frequency of visits at KTMC, one Member said that it was not justifiable to reprovision KTMC at the application site, which was the busiest area in the district.

29. The Vice-chairman concluded that Members generally agreed that there was a need to reprovision the KTMC but the application site was not suitable. The applicant should be asked to explore alternatives such as expanding NTKMC to incorporate the KTMC. The subject application could not be supported.

30. The Secretary asked Members to consider if the application should be rejected or deferred to allow the applicant to provide further clarification. Members generally agreed that the application should be rejected so as to give a clear message to the applicant that the proposed location was not acceptable.

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

- (a) the location of the application site was considered not suitable for the proposed Methadone Clinic as the site was located at Kwun Tong MTR Station with high pedestrian flow and was close to Kwun Tong Road/Hip Wo Street Rest Garden;
- (b) the proposed Methadone Clinic would have adverse impact on the nearby elevated pedestrian access leading to the residential areas of Yuet Wah Street and the adjacent school and it might cause nuisance to the local residents and increase security risk in the area; and
- (c) the segregation between passengers of MTR and Methadone Clinic users using the nearby elevated walkway had not been satisfactorily resolved and it might have adverse impacts on the pedestrian flow along the elevated walkway leading to the MTR station.

[Mrs. Ava S.Y. Ng, Mr. Walter K.L. Chan and Mr. Nelson W. Y. Chan returned to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/595 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop No. 1, G/F, APEC Plaza, 49 Hoi Yuen Road, Kwun Tong
(MPC Paper No. A/K14/595)

Presentation and Question Sessions

32. With the aid of a powerpoint, 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) proposed shop and services use;
- (c) departmental comments –District Lands Officer/Kowloon East, Lands Department advised that the proposed shop and services use was in breach of the lease conditions. Should the application be approved by the Board, lease modification to effect the proposed change of use was required. Director of Fire Services had no in-principle objection to the application provided that a means of escape completely separated from the industrial portion was available and fire service installations were provided to his satisfaction. Other Government departments including Buildings Department and Transport Department had no objection to the application.
- (d) 1 public comment supporting the application was received during the statutory publication period and no local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed use at the application premises was considered generally in line with the planning intention of the “OU(Business)” zone. It complied with the Town Planning Board Guidelines No. 22D on Development within the “OU(Business)” Zone in that it would not have adverse impacts on fire safety aspect and car parking provision in the existing industrial building. Relevant Government departments including Fire Services Department, Buildings Department and Transport Department had no objection to the application.

33. Members had no question on the application.

Deliberation Session

34. 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 7.8.2011, 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.

35. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification 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 as advised by the Director of Fire Services; and
- (c) to ensure that the proposed change in use should comply with the Buildings Ordinance.

[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. Vincent T.K. Lai, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

[Ms. Anita Lam returned to join the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/263 Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Two Car Parking Spaces and Ancillary Plant Room Use in a Proposed Residential Development in “Residential (Group C) 1” zone, 7 Devon Road, Kowloon Tong (NKIL 897)
(MPC Paper No. A/K18/263)

Presentation and Question Sessions

36. With the aid of a powerpoint, Mr. Vincent T.K. Lai, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development in an area zoned “Residential (Group C) 1” with development restrictions of maximum plot ratio of 0.6 and maximum building height of 3 storeys;
- (c) the applicant proposed a 4-storey house including one storey basement at the application site with an area of 1,034.9m² within the Kowloon Tong Garden Estate. The domestic gross floor area was 617.3m² which was equivalent to a plot ratio of 0.596 while the site coverage was 20.37%. The applicant also proposed more than 20 trees, shrubs, potted plants and landscaping and water features in the landscape proposal;
- (d) departmental comments –Assistant Commissioner for Transport/Urban, Transport Department had no objection to the application. He had some comments on the design and provision of vehicular access but no adverse

comment on the proposed provision and arrangement of car parking spaces. Chief Building Surveyor/Kowloon, Buildings Department had no objection to the application and no objection in principle to exclude the car parking spaces from gross floor area (GFA) calculation under Building (Planning) Regulations. However, justifications on excluding the plant rooms from GFA calculation should be submitted at building plan submission stage. Other concerned departments had no objection or no comment on the application;

- (e) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kowloon City); and
- (f) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessments in paragraph 10 of the Paper. The proposal was in line with the planning intention of providing more at-grade landscaping to enhance the existing distinctive amenity character of the Kowloon Tong Garden Estate. The landscape proposal would enhance the amenity of the Kowloon Tong neighbourhood. Fulfilment of the non-building area requirement (setback from Devon Road by 6m) together with the provision of at-grade landscaping would help enhance the air and visual permeability in this area. There were no adverse impacts on the environment, drainage, traffic, visual and infrastructural aspects. Concerned Government departments had no objection or no adverse comment on the application. No public comment was received while two similar applications had been approved by the Board previously. Imposition of approval conditions in relation to the design and provision of vehicular access, provision of fire service installations, and submission and implementation of landscape proposal were recommended.

37. Members had no question on the application.

Deliberation Session

38. 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 7.8.2013, 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 and provision of vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

39. The Committee also agreed to advise the applicant that:

- (a) the approval of the application did not imply that the proposed gross floor area exemption in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval; and
- (b) the applicant should follow the Environmental Protection Department's Practice Note for Professional Persons No. ProPECC PN 1/97 to complete a Self Assessment Form.

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

Agenda Item 11

Any Other Business

40. There being no other business, the meeting was closed at 10:20 a.m..