

TOWN PLANNING BOARD

Minutes of 433rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 23.12.2010

Present

Director of Planning Mr. Jimmy C.F. Leung	Chairman
Mr. K.Y. Leung	Vice-chairman
Ms. Maggie M.K. Chan	
Mr. Raymond Y.M. Chan	
Professor P.P. Ho	
Mr. Clarence W.C. Leung	
Mr. Laurence L.J. Li	
Mr. Roger K.H. Luk	
Professor S.C. Wong	
Ms. L.P. Yau	
Assistant Commissioner for Transport (Urban), Transport Department Mr. David To	
Assistant Director (Environmental Assessment), Environmental Protection Department Mr. C.W. Tse	

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

Secretary

Absent with Apologies

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor C.M. Hui

Ms. Julia M.K. Lau

Professor Joseph H.W. Lee

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

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

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 432nd MPC Meeting held on 10.12.2010

[Open Meeting]

1. The draft minutes of the 432nd MPC meeting held on 10.12.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K10/240 Proposed Wholesale Trade in "Residential (Group E)" zone, Unit A7,
11/F, Merit Industrial Centre, No. 94 To Kwa Wan Road
(MPC Paper No. A/K10/240)

3. The Committee noted that a missing page (page 2) of the MPC paper was tabled at the meeting.

4. The Committee noted that the applicant requested on 9.12.2010 for deferment of the consideration of the application for two months in order to allow time for preparation of supplementary information to support the application.

5. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Miss Annie K.W. To, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Items 4 and 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/265 Proposed Shop and Services in "Other Specified Uses" annotated
"Business" zone, Unit 3B, Workshop No. 3 at Ground Floor,
Yuen Fat Industrial Building, 25 Wang Chiu Road, Kowloon Bay
(MPC Paper No. A/K13/265)

A/K13/266 Proposed Shop and Services in "Other Specified Uses" annotated
"Business" zone, Unit 3A, Workshop No. 3 at Ground Floor,
Yuen Fat Industrial Building, 25 Wang Chiu Road, Kowloon Bay
(MPC Paper No. A/K13/266)

Presentation and Question Sessions

6. Miss Annie K.W. To, STP/K, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications highlighting that both applications were submitted by the same applicant proposing same use at two premises adjacent to each other. For application No. A/K13/266, a previous application (No. A/K13/254) at portion of the application premises for shop and services use (17.12m²) was approved by the Committee with conditions on 28.5.2010. As the approval condition on fire safety measures was not complied with by 28.11.2010, the approval was revoked on the same date;
- (b) the proposed shop and services at the application premises excluding the unauthorised cockloft;
- (c) departmental comments – no objection/adverse comment from concerned government departments on both applications was received;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Kwun Tong) for both planning applications; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Papers. The proposed shop and services use at the application premises was considered generally in line with the planning intention. It was not incompatible with the other uses such as workshops, wholesale trade and recycle businesses within the same building and complied with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” zone (TPB PG-No. 22D) in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Similar shop and services uses were also approved on the ground floor of other industrial buildings in the Kowloon Bay Business Area. If both applications were approved, the aggregate commercial floor areas approved by the Committee on the G/F of the subject building would be 83.66m² and would not exceed the Fire Services Department's requirement of aggregate commercial area of 460m² for sprinkler protected industrial building.

7. A Member asked whether the unauthorized cockloft inside the application premises would be dismantled. Miss To replied that Buildings Department had advised that the cockloft was unauthorized building works and should be removed. The applicant would have to demonstrate that the cockloft would be removed in the submission of building plans.

Deliberation Session

8. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 23.12.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each 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 application 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.

9. For each permission, 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;
- (b) to appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
 - (i) 2 hours fire resisting separation wall between the application premises and the remaining portion of the existing workshop on Ground Floor in accordance with paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90;
 - (ii) access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008;
- (c) to note the comments of Chief Building Surveyor/Kowloon, Buildings Department and Director of Fire Services that the unauthorized cockloft within the application premises should be removed; and

- (d) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department.

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

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), Mr. Silas K.M. Liu, STP/K, and Dr. Tina Mok, Department of Health (D of Health), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/631 Proposed Government Use (Methadone Clinic) in an Area Shown as 'Road', Northwest Portion of Hoi Yuen Road/Kwun Tong Road Roundabout, near Kwun Tong MTR Station, Kwun Tong
(MPC Paper No. A/K14/631)

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

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| Mr. Jimmy C.F. Leung
as the Director of Planning | } being a non-executive director of the URA; |
| Mr. Maurice W.M. Lee | - being a former non-executive director of the URA with the term of office ended on 30.11.2008; |
| Mr. Raymond Y.M. Chan | - being a Member of the Home Purchase Allowance (HPA) Appeals Committee; |
| Ms. Maggie M.K. Chan | - being a Member of the Home Purchase Allowance (HPA) Appeals Committee; |
| Ms. Olga Lam
as the Assistant Director of the | - being an assistant to the Director of Lands who was a non-executive |

Lands Department	director of the URA;
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; and
Professor P.P. Ho	- having current business dealings with URA.

11. The Committee noted that Mr. Maurice W.M. Lee, Ms. Olga Lam and Mr. Andrew Tsang had tendered apologies for being unable to attend 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 and Ms. Maggie M.K. Chan's interests were indirect and they could stay at the meeting. The Committee also noted that the interests of the Chairman and Professor Ho were considered direct and agreed that they should leave the meeting temporarily for the item.

12. The Committee noted that Mass Transit Railway Corporation Ltd. (MTRCL) had submitted comments objecting to the subject application. Mr. David To, being an assistant to the Commissioner for Transport who was a non-executive director of MTRCL, had declared an interest in this item. As Mr. To's interest was direct, Members agreed that he should leave the meeting temporarily.

13. As the Chairman 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.

[Mr. Jimmy C.F. Leung, Professor P.P. Ho and Mr. David To left the meeting temporarily at this point.]

Presentation and Question Sessions

14. Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) the existing Kwun Tong (KT) Methadone Clinic (MC) inside Kwun Tong Jockey Club Health Clinic (KTJCHC) would be affected by URA's Kwun Tong Town Centre (KTTC) redevelopment and hence was required to be reprovioned. Due to public concern on public security problems, KTMC was not reprovioned together with KTJCHC to the site at Yuet Wah Street which was too close to the residential neighbourhood;
- (b) the previously proposed site at the northeast part of the Hoi Yuen Road/Kwun Tong Road Roundabout (Application No. A/K14/590) was rejected by the Board on review for the reasons as stated in paragraph 3.5 in the Paper mainly on incompatibility with the new URA development in KT, adverse impact on the nearby elevated pedestrian access to Yuet Wah Street and the adjacent school, problem of competition of space between passengers of MTR and MC users not resolved and the availability of other alternative sites for the reprovioning of the KTMC;

URA's Proposal

- (c) URA's proposal in the subject application involved a total site area of 287m² and a total gross floor area of not more than 300m² on three floors. While the G/F (6mPD) and 1/F (10.5mPD) were used for the MC and plant room, the 2/F (15mPD) was for plant room only;
- (d) when compared with the previous proposal, the revised layout with the entrance of the proposed MC located about 20m away from Entrance C of KT MTR station and the provision of a 16m long ramp with an area of about 27m² for queuing and an indoor waiting area with a total area of about 37m² would reduce the competition of space between MTR passengers and MC users (Drawing A-15 of the Paper);
- (e) a new pedestrian deck connecting the KTTC redevelopment with two connections to the KT MTR Station would be provided and a portion of the existing footbridge would be demolished to enhance the pedestrian flow in 2019. To further minimise the competition of space between MTR passengers and MC users, a new section of footbridge would be provided to

connect Entrance C3 to the new pedestrian deck (Drawing A-3 of the Paper);

- (f) with the new pedestrian deck and footbridge in place, the public from the future URA KTTC redevelopment from the northwest could access the MTR Station via the new pedestrian deck connection whereas the residents and students from Yuet Wah Street from the northeast using Entrance C1/C2 could access the MTR Station via Entrance C. In both cases, the public would not be required to walk pass the proposed KTMC to access the MTR Station;
- (g) in addition, the pedestrian flow at Entrance C1/C2 would likely be further reduced when Civil Engineering and Development Department (CEDD)'s new footbridge with lift facilities linking Yuet Wah Street and KT MTR Station Entrance D was completed around end 2014 (Drawing A-17 of the Paper);

Departmental Comments

- (h) the Commissioner for Narcotics, Security Bureau supported the proposed reprovisioning of KTMC. With the effective registrations at KTMC of around 450 and the attendance of more than 300 patients on average at KTMC for treatment each day, a crucial factor of the success of methadone treatment was the accessibility of the services in the neighbourhood;
- (i) the Director of Health (D of Health) supported the planning application as there was a definite need for a MC at KT town centre. The MC service acted as a "safety net" to prevent drug-related crime. KTMC should be within KT town centre area, community-based and easily accessible. The attendance of Methadone Treatment Programme (MTP) had maintained over 2 million per year over the past few years, and had even increased 2% per year over the last two consecutive years since 2009. The attendance at KTMC had increased 25% from 2001 to 2009, reflecting a definite need for the service in the district. There was currently no evidence of a substantial decrease in the need for methadone treatment. Due to the physical

constraints, Ngau Tau Kok Methadone Clinic (NTKMC) could not absorb the MC users from KTMC. The application site was in the vicinity of the existing KTMC, D of Health did not anticipate increase in security issues;

- (j) the Commissioner for Transport had no adverse comment on the pedestrian flow. The layout arrangement of both the interim and final stages of pedestrian access arrangement were considered acceptable from traffic engineering perspective;
- (k) the Project Manager/Kowloon, CEDD (PM/K, CEDD) had no objection to the application. According to the latest programme, the works for the proposed footbridge with lift facilities, linking Yuet Wah Street and Kwun Tong Road, was scheduled to commence by early 2013 for completion by end 2014;
- (l) the Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application. The scale of the proposed MC was relatively small and the proposed design and landscape treatment would allow it to blend in with the existing KT MTR Station. Besides, there were improvements in pedestrian circulation and access arrangement as compared with the scheme for the previous application (A/K14/590). With the provision of greening at different levels, significant landscape impact caused by the development was not anticipated;
- (m) the Commissioner of Police commented that records for the past 6 months showed that there had not been any complaint of nuisance or loitering causing safety concerns made against users of the existing KTMC or in its vicinity. There had only been two recorded crimes of minor nature which occurred inside the KTMC itself. These records suggested that the existing KTMC was not a crime black spot. Given the close proximity of the proposed site to the existing KTMC, any major change in this respect was not anticipated;
- (n) other concerned Government departments had no objection/adverse

comment on the application;

MTRCL's Comments

- (o) MTRCL had strong reservation on the application and commented that the entrance leading to the KTMC should not be located directly adjacent to MTR's station concourse entrance. The entrance of the proposed MC and the concourse entrance were located on the same level, and their separation of 20m was within a very short walking distance and insufficient. The KT MTR Station was the busiest railway station in the East Kowloon District. It had been observed in other MCs that patients had a tendency to linger outside the entrance of the clinic before and after using the clinic service. As the opening hours of the KTMC were between 6 p.m. and 10 p.m., it would cause inconvenience to the public/passengers along the narrow footbridge near Entrance C3, especially during the peak period between 6 and 8 p.m.;

Public Comments

- (p) District Officer (Kwun Tong) advised that the Kwun Tong District Council (KTDC) reaffirmed its support for relocating the KTMC to the Hoi Yuen Road/Kwun Tong Road Roundabout. District Councillor of Yuet Wah Street (Mr. Hsu Hoi-shan) and most of the Yuet Wah Street Owners Incorporations had raised objection to the application. KTDC's concerns on competition of space between the public and the MC users should be addressed. For the period between 1.10.2009 and 30.9.2010, there was no complaint in respect of nuisance caused by KTMC users;
- (q) during the first three weeks of the statutory public inspection period, a total of 14,359 comments were received, of which 11,425 (79.6%) comments supported, 2,704 (18.8%) objected to and 222 (1.5%) provided comments only on the application. Eight (0.1%) blank comment forms with signature only were also received;
- (r) those supporting the application included members of KTDC, Laguna City Estate Owners' Committee and members of the public on the grounds that

the proposed location was convenient to MC users, not close to residential area nor children playground and hence less disturbing, there was provision within the MC to accommodate users awaiting treatment and the KTDC supported the location. They had strong objections if KTMC was reprovisioned at other locations. A large number of the comments supporting the application were from residents of Laguna City as they objected to the proposal to reprovision the KTMC at the Yau Shun Street Site which was close to Laguna City;

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

- (s) those objecting to the application included Yuet Wah Street Residents Association, Owners Incorporations of Yuet Wah Street and members of the public and their reasons were that the current application site located at the northwest portion of the roundabout was only a few meters away from the previous location which was rejected on review by the Board; the proposed use was incompatible with the future town centre; the application site was located at a major public passage close to residential area and schools and hence would have adverse impact on the pedestrian flow, and cause nuisance and security concerns; Department of Health should take the opportunity to allocate and make proper use of resources, instead of doubling the resources on MC service for which the demand had been decreasing; the availability of the MC facilities near MTR station would encourage youngsters to take drug; URA had not presented the Yau Shun Street option together with the current proposal at KTDC meeting for members' consideration and comparison; and a local survey by Yuet Wah Street Resident Association showed that among the 247 respondents of which 80% were non-Yuet Wah Street residents, 68% considered the application site was not appropriate for KTMC, 18.2% considered appropriate and 13.8% had no comment;
- (t) other comments received opined that the KTMC should be reprovisioned within the same district, within the planned KTJCHC, other locations such as the Kwun Tong Recreation Ground, Yau Tong Industrial Area or within the KTTC redevelopment, and the site at Yau Shun Street was objected to

as it would pose security concerns to residents of Laguna City;

Planning Department (PlanD)'s views

- (u) PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The URA had addressed the concerns of the Board in the current application by relocating the reprovisioning site from the northeast portion to the northwest portion of the Hoi Yuen Road/Kwun Tong Road Roundabout with additional on-site queuing/waiting areas and improved access arrangements to the pedestrian flow. The option of merging the KTMC with NTKMC was explored. The existing NTKMC could not absorb the increase of MC users (from 100 to 400 patients) due to space constraints. Furthermore, the expansion of the NTKMC was not possible because the NTKMC within the Ngau Tau Kok Jockey Club Clinic (NTKJCC) was located within a residential neighbourhood and sandwiched between two public open spaces, with Kei Hin Primary School and Kwun Tong Government Primary School located to its north and east respectively. A site search had been conducted by PlanD, which concluded that there was only one undesignated G/IC site at Yau Shun Street. However, there were strong local objections. On 6.7.2010, the KTDC considered the options for the reprovisioning site of the KTMC, i.e. the Hoi Yuen Road/Kwun Tong Road Roundabout and the site at Yau Shun Street, and supported the reprovisioning site at Hoi Yuen Road/Kwun Tong Road Roundabout;

- (v) the current application site was located at a piece of vacant land at the northwest portion of the Hoi Yuen Road/Kwun Tong Road Roundabout surrounded by road, amenity area and KT MTR Station and its M&E facilities without any adjoining residential uses. It was just 50m from the existing KTMC which satisfied D of Health's requirement of locating the KTMC in proximity to the current KTMC near the town centre. Though the entrance to the application site was only located about 25m from the previously rejected site on the same elevated walkway, it was located beyond Entrance C of the MTR station towards Entrance C3. As a result, residents of Yuet Wah Street and nearby students using Entrance C1/C2 to

access Yuet Wah Street residential area and the adjoining Kei Fat Primary School would not need to walk pass the proposed KTMC to access the MTR station. Moreover, the revised layout with the entrance of the proposed MC located about 20m away from Entrance C of MTR station and the provision of a 16m long ramp and an area of about 27m² for queuing and an indoor waiting area of about 37m² inside the MC would reduce the competition of space between MTR passengers and MC users;

- (w) a new pedestrian deck connecting KTTC redevelopment with two connections to the KT MTR Station would be provided while a portion of the existing footbridge would be demolished to enhance the pedestrian flow. To further minimise the competition of space between MTR passengers and MC users, a new section of footbridge would be provided to connect Entrance C3 to the new pedestrian deck. The pedestrian flow at Entrance C1/C2 would likely be further reduced when CEDD's new footbridge with lift facilities linking Yuet Wah Street and KT MTR Station Entrance D was completed around end 2014;
- (x) the scale of the proposed MC of about 300m² was relatively small. With the proposed design and landscape treatment, it would blend in with the existing KT MTR Station without any adverse visual and landscape impacts. Other concerned government departments had no adverse comments on the technical assessments. No significant impact was anticipated from the proposed development on the traffic, drainage and sewerage aspects; and
- (y) the major public comments objecting to the application relating to the need for the reprovisioning of the KTMC, availability of alternative site including options to merge with NTKMC and the adverse impacts of the application site on the nearby residents had already been addressed. Regarding the public comment on reprovisioning of the KTMC within the URA KTTC redevelopment, it would involve temporary relocation of the MC facilities until the new KTMC facilities were completed within the KTTC redevelopment. A suitable location had to be identified for the

temporary relocation which would have similar public acceptability problems.

15. The Secretary reported that a petition was received from Yuet Wah Street Residents Association on the subject application and it was tabled at the meeting. She said that some of the points were similar to those in the public comments received. She then summarised the additional major points made in the letter which included that the most affected party, MTRCL, had reservation on the application; the subject application site was not the only site available for the MC; the disapproval of the subject application would not significantly affect the progress of the redevelopment of KTTC; and there was no need to have two MC in the KTTC area.

[Members took a few minutes to read the petition letter.]

16. In response to a Member's question, Mr. Eric C.K. Yue, DPO/K explained that the entrance of the proposed MC would be connected to the existing footbridge in red on Drawing A-3 of the Paper. This existing footbridge would be retained until 2019. When the new pedestrian deck and the new footbridge which connected with the new Kwun Tong Town Centre development (as shown yellow on Drawing A-3) was completed, the existing footbridge would then be demolished and the MC users would use the new footbridge to access the MC.

17. Noting that MTRCL had strong reservation on the application, the same Member asked whether URA had liaised with MTRCL to resolve the problem of segregation between MTR passengers and MC users. Mr. Yue replied that URA had made a lot of effort to improve the access arrangement and to minimize the impact on the neighbouring residents. As compared with the previously rejected location, the current application site was 20m from Entrance C of the MTR Station on the north-west side of the Hoi Yuen Road/Kwun Tong Road Roundabout and therefore residents and students at Yuet Wah Street would not need to pass by the proposed MC on their way to the KT MTR Station. As regards the design of the MC in the current application, the clinic facility was provided at a level of 10.5mPD which was lower than the MTR concourse at 12mPD. MC users would need to access the MC by walking down a 16m long ramp to the indoor waiting area of about 37m² of the MC and hence it was unlikely for the MC users to stay at the MTR concourse.

18. In response to the same Member's question on whether the proposed site was a preferred site from the perspective of the Department of Health, Dr. Tina Mok replied that due to the chronic relapsing nature of opiate addiction, MC should be community-based and located in easily accessible location. A convenient location of the MC was a crucial factor to the effectiveness of the MTP. Department of Health had no in-principle objection to both the current application site and the site at Yau Shun Street. However, in order to achieve the intended objective of MTP to help prevent drug-related crime, Department of Health supported the currently proposed site which was in close proximity to the existing MC and hence more convenient to the MC users.

19. In response to the Vice-chairman's enquiry on the background of MC users, Dr. Mok explained that MC users were mainly heroin abusers. The MTP could provide an effective alternative to the heroin users and help them lead a normal life. In 2009, the World Health Organization considered the MTP as the most effective therapy to heroin abusers. Over 80% of the existing MC users were below the age of 60. There were about 8,000 registered MC users in Hong Kong and the usage rate at MC was about 2.3 million per year over the past few years, with an increase of about 2% each year over the last two consecutive years.

20. The Vice-chairman asked whether the pedestrian access for the general public and the MC users would overlap under the current application site and how that would compare with the pedestrian access to the existing KTMC. Mr. Yue replied that the MC users arriving by MTR would exit at Entrance C3 of KT MTR Station and those arriving by bus would drop off at Kwun Tong Road and walk up the existing footbridge to the west of the proposed MC and they would then enter the MC through the ramp. The currently proposed location of the MC would allow segregation of pedestrian access of MC users and the residents/students to/from Yuet Wah Street. With the completion of CEDD's proposed footbridge with lift facilities linking Yuet Wah Street and Kwun Tong Road by 2014, the residents of Yuet Wah Street would likely enter the MTR Station at Entrance D (Drawing A-17) on the other side of the Station and would not have to pass by the proposed MC. On the latter question, the MC users were using the existing footbridge (shown in red on Drawing A-3) to the existing KTMC and would continue to use it to the proposed MC before 2019. After the completion of the new footbridge and the pedestrian deck connecting to the

new KTTC by 2019, the MC users would make use of the new footbridge to access the proposed MC. According to a study conducted by the consultant of the applicant (Appendix 1b of the Paper), the proposed MC location under the current application would not create adverse impact on the “Level of Service” (LOS) (a measurement of pedestrian density) of the existing footbridge between 2013 and 2019 and the LOS would remain at an acceptable level of LOS C. With the completion of the new pedestrian deck and new footbridge system between the KTTC redevelopment and the KT MTR Station by 2019, the LOS of the new footbridge adjacent to the proposed MC would be enhanced to a level of LOS A (the lowest pedestrian density). Currently, people from the KTTC area would enter the MTR Station at Entrance A1 instead of Entrance C3. With the relocation of KTJCHC to Yuet Wah Street by 2013, the pedestrian flow on the existing footbridge between KTJCHC and the MTR Station would decrease.

21. Noting that there were constraints to expand the NTKJCC to accommodate the users of KTMC, a Member asked if the currently proposed site was the most suitable site as compared with the site at Yau Shun Street. Mr. Yue responded that at the s.17 review hearing of the previous planning application No. A/K14/590 on 27.11.2009, Members opined that the “G/IC” site at Yau Shun Street appeared to be a possible reprovisioning site and was worthy to be further examined by the applicant. Whilst PlanD considered that the site at Yau Shun Street was suitable for use as a reprovisioning site for the MC, there was strong objection from the residents of Laguna City when URA conducted consultation on the use of that site. In July 2010, KTDC reaffirmed its support for relocating the KTMC to the Hoi Yuen Road/Kwun Tong Road Roundabout and did not pursue on the site at Yau Shun Street. Taking into account KTDC’s view and that D of Health’s requirement could be met, the application site was considered suitable for the reprovisioning of the KTMC. Dr. Mok said that there was no information on where the users of KTMC came from but from her experience, they were either working or living in the KT district. In response to the Vice-chairman’s question, Dr. Mok said the peak hour of KTMC was at the time when the MC was opened, i.e. around 6 p.m. to 7 p.m..

22. Referring to paragraph 9.1.1(a) of the Paper, a Member noted that the application site fell within MTR Protection Boundary and partly encroached upon MTR Lot No. 1 RP and asked if the approval of the MC would have any implications on the security and management of the MTR Station. Mr. Yue responded that the application site was a piece of

government land and had partly encroached upon the MTR Lot at the concourse level at 12mPD. He added that D of Health would be responsible for the security and management of the proposed MC.

[Professor S.C. Wong arrived to join the meeting at this point.]

23. The same Member asked whether there was any entrance at the G/F of the proposed MC. Mr. Yue replied that the entrance of the MC was at 1/F and there was no entrance for MC users at the G/F.

24. A Member asked if KTDC had discussed in detail the suitability of the two sites, i.e. the site at Hoi Yuen Road/Kwun Tong Road Roundabout and the G/IC site at Yau Shun Street for the proposed MC. Mr. Yue replied that KTDC had set up a Task Force for the KT Redevelopment. In 2007, the Task Force agreed that the site at the northeast portion of Hoi Yuen Road/Kwun Tong Road Roundabout was suitable for reprovisioning of the KTMC and therefore URA had made a planning application (No. A/K14/590) proposing the MC at that site. The application was rejected by TPB upon review on 27.11.2009. At the review hearing of the application, PlanD suggested that the undesignated "G/IC" site at Yau Shun Street was a possible potential site for the MC. In the consultations with KTDC in 2010, both the application site and the site at Yau Shun Street were proposed and KTDC reconfirmed its support to relocate the KTMC to the Hoi Yuen Road/Kwun Tong Road Roundabout.

25. The same Member opined the site at Yau Shun Street would allow segregation of access between MC users and the public as it was surrounded by roads. For the currently proposed site at the Hoi Yuen Road/Kwun Tong Road Roundabout, special arrangement had to be made for the segregation.

Deliberation Session

26. The Vice-chairman noted that a reprovisioning site for the existing KTMC was required as according to D of Health, it was not possible to accommodate the MC users of KTMC at NTKMC. As the reprovisioning site had to be in KT, there could be three locations, namely within KTTC redevelopment area, the Hoi Yuen Road/Kwun Tong Road Roundabout and the G/IC site at Yau Shun Street. Regarding the locations at the roundabout and Yau

Shun Street, KTDC's views were clear that they supported the location at the roundabout. It was therefore important to consider whether the design of the proposed MC at the application site could effectively segregate the MC users from the general public.

27. The Secretary said that the possibility to re-provision the KTMC within the KTTC redevelopment site had been explored. The major problem was the timing of implementation of the redevelopment project. To ensure an uninterrupted MC service in KT, the existing KTMC would need to be relocated to a temporary site before the completion of the KTTC redevelopment project. This would involve relocating the MC twice and similar objection would be met in identifying the temporary and permanent sites. The Vice-chairman agreed that the re-provisioning of the KTMC within the KTTC redevelopment project would likely attract similar local objections. Mr. Yue supplemented that according to the planning statement submitted by the applicant, the major problems of re-provisioning the KTMC within the KTTC redevelopment site were incompatibility in timing and land use. The existing KTMC had to be relocated in 2013 while the G/IC site in the KTTC redevelopment project would only be available in 2017. The KTMC would thus require to be located at a temporary site for about four years and then relocated to the permanent site. On the other hand, the KTMC would be incompatible with the KTTC redevelopment which was mainly for residential and commercial uses.

28. Another Member supported the application as the location was convenient enough to cater for the needs of the MC users and hence helped achieve the MTP objective. Moreover, based on the experience of this Member, MC users might not cause nuisance to other pedestrians.

29. Another Member opined that after taking all relevant factors into consideration, including KTDC's support and the applicant's effort in improving the design of the proposed MC to segregate the MC users and other pedestrians, the application was supported. The Vice-chairman said that with the completion of the new pedestrian connection to Entrance D of the KT MTR Station by 2014, the impact on the residents of Yuet Wah Street would be further minimized.

30. In response to a Member's enquiry on the MTR Protection Boundary, the Secretary explained that normally, areas within 30m of the MTR line would be designated as

MTR Protection Boundary. The land within the Boundary did not belong to MRTCL but MTRCL should be consulted on any development within that area to avoid any possible impact on the MTR line.

31. 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 23.12.2014, 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 to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to liaise with Mass Transit Railway Corporation Limited to work out an acceptable solution on the competition of space between passengers and methadone clinic (MC) users using the nearby elevated walkway at the detailed design of the proposed MC; and
- (b) to study the feasibility of providing more greening on the roof, including large shrubs and even small trees, and vertical greening on the façade of the proposed MC at the detailed design stage.

[The Vice-chairman thanked Mr. Eric C.K. Yue, DPO/K, Mr. Silas K.M. Liu, STP/K, and Dr. Tina Mok, DH, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr. Jimmy C.F. Leung, Professor P.P. Ho and Mr. David To returned to the meeting at this point.]

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.]

Agenda Item 7

[Open Meeting]

Proposed Amendments to the Approved South West Kowloon

Outline Zoning Plan No. S/K20/24

(MPC Paper No. 27/10)

Presentation and Question Sessions

33. Mr. C.K. Soh, STP/TWK, presented the proposed amendments to the approved South West Kowloon Outline Zoning Plan (OZP) as detailed in the Paper as follows:

- (a) a waterfront site at Hoi Fai Road, measuring about 5,730 m², was proposed to be rezoned from “Government, Institution or Community” (“G/IC”) to “Open Space” (“O”) for waterfront open space development at the new Yau Ma Tei (YMT) Typhoon Shelter. The site was reserved by Marine Department (MD) for ship inspection and typhoon mooring use. It was adjacent to a planned open space at the “O” site to the immediate south of One SilverSea and fronting the new YMT Typhoon Shelter. As MD had indicated that the site was no longer required and in view of its waterfront location and proximity to nearby open space developments, the site was proposed to be rezoned to “O” to extend the existing waterfront promenade;
- (b) a site at the junction of Hoi Wang Road, Hoi Ting Road and Lai Cheung Road measuring about 3,880 m², was proposed to be rezoned from “G/IC” to “O” for a planned open space. The site was part of a strip of land zoned “G/IC” on the current OZP and planned for various uses including

government offices, indoor recreation centre, public open space, etc. The location and configuration of the planned uses within the strip had been reviewed taking into account the alignment of the Hong Kong section of Guangzhou – Shenzhen – Hong Kong Express Rail Link (XRL) with underground railway tunnel transversing underneath the area and the latest requirements of the concerned designated land uses. The current proposal was to locate the public open space at the junction of Hoi Ting Road and Hoi Wang Road so that the subject site would be more accessible to residents in the YMT area and to better provide visual relief for the surrounding developments;

- (c) since the construction works of the Kowloon Southern Link (KSL) and Route 9 (now known as Route 8) had been completed, the annotations indicating their authorizations by the Chief Executive in Council (CE in C) would be deleted from the OZP and the updated alignment of the KSL was proposed to be incorporated onto the OZP;
- (d) on 20.10.2009, the CE in C authorized the Hong Kong section of the XRL under the Railways Ordinance. It was proposed to incorporate the XRL alignment as described in the authorized XRL scheme into the OZP for information;
- (e) no amendment was proposed to the Notes of the OZP;
- (f) the proposed amendments had been circulated to relevant government departments for comments and no objection or adverse comment was received; and
- (g) the YTM District Council and the Harbourfront Commission would be consulted on the amendments during the exhibition period of the draft OZP for public inspection under section 5 of the Ordinance.

34. Members had no question on the proposed amendments.

Deliberation Session

35. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the approved South West Kowloon OZP No. S/K20/24 and that the draft South West Kowloon OZP No. S/K20/24A at Attachment I (to be renumbered to S/K20/25 upon exhibition) and its Notes at Attachment II of the Paper were suitable for exhibition under section 5 of the Ordinance; and
 - (b) adopt the revised Explanatory Statement (ES) at Attachment III of the Paper for the draft South West Kowloon OZP No. S/K20/24A as an expression of the planning intentions and objectives of the Board for the various land use zones on the Plan and be issued under the name of the Board, and the revised ES would be published together with the Plan.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/K1/223 Proposed Residential-cum-Commercial Development in "Commercial" zone and an area shown as 'Road', Nos. 114 and 116, Austin Road, Tsim Sha Tsui (Kowloon Inland Lot No. 8877)
(MPC Paper No. A/K1/223)

36. The Committee noted that the applicant's representative requested on 17.12.2010 for deferment of the consideration of the application for one month in order to allow time to address the comments raised by Buildings Department.

37. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/K1/225 Proposed Shop and Services and Eating Place Uses in "Residential (Group A)" zone, Nos. 41-43 Pilkem Street, Jordan (KILs 1626A1RP and 1626A2)
(MPC Paper No. A/K1/225)

38. The Committee noted that the applicant's representative requested on 14.12.2010 for deferment of the consideration of the application for two months in order to allow time to address traffic concerns raised by the Hong Kong Police Force.

39. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/533 Proposed Shop and Services and Office in "Residential (Group E)" zone, 1125-1127 Canton Road, Mong Kok (KIL 2789 s.A, ss.1 and RP)
(MPC Paper No. A/K3/533)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the premises was the subject of a previous application (No. A/K3/508) proposing office use for the first to seventh floor which was approved with conditions by the Board on 10.10.2008;
- (b) the proposed shop and services and office;
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) one public comment supporting the application was received during the statutory publication period and no local objection was received by 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. While the planning intention of the “Residential (Group E)” zone was to phase out existing industrial uses through redevelopment or conversion for residential uses, the proposed office and shop and services uses at the premises through wholesale conversion of the existing building would also help phase out industrial uses in the vicinity. From a land use planning point of view, the proposed uses were not unacceptable. The proposed shop and services and office uses did not involve addition of floor area and were small in scale. As such, no adverse impact to the surroundings was expected. Concerned departments consulted had no objection/adverse comment on the application.

41. Members had no question on the application.

Deliberation Session

42. 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 23.12.2014, 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 condition:

- the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Kowloon West, Lands Department that the proposed office use at the 2/F to 7/F and shop and services at G/F and 1/F of the premises were in breach of the user restriction and provision of loading and unloading space were not acceptable under the lease governing the subject lots. The owner should apply to him for a modification of the lease conditions to effect the proposed use, which if approved, would be subject to the payment of premium and fees and imposition of other relevant clauses as appropriate;
- (b) to note the comments of the Director of Buildings that an Authorized Person should be appointed to submit building (alterations and additions) plans to demonstrate compliance with the Buildings Ordinance, in particular, the requirements of means of escape code 11.2 and the provision of prescribed windows under Building (Planning) Regulation 30. Detailed comments would be given at building plan (alterations and additions) submission stage; and
- (c) to note the comments of the Commissioner for Transport that :

- (i) loading/unloading activities of goods vehicles on public streets, if any, should be confined to off-peak hours; and
- (ii) Commissioner for Transport had the rights to impose, alter or cancel any parking, loading/unloading facilities and/or any no-stopping restrictions, etc. on Canton Road and other local roads to cope with changing traffic conditions and needs. The applicant should not expect the Government to provide such facilities for use of the premises.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/536 Proposed Hotel in "Residential (Group A)" zone, Portion at G/F and Mezzanine Floor, and 1/F, Flourish Mansion, Nos. 9 and 11
Cheung Wong Road, Mong Kok (KIL Nos. 3099 s.B RP and 3099 RP)
(MPC Paper No. A/K3/536)

Presentation and Question Sessions

44. 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 highlighting that the hotel would have a physically separated entrance/exit at the building, and an exclusive elevator and staircase for internal circulation. It would be separated from the residential floors by 10 storeys of E&M facilities, car park and residential clubhouse although it would share the main escape staircases in the building with the residential floors above;

- (c) departmental comments – no objection/adverse comment from concerned government departments was received;

- (d) during the statutory publication period, five public comments were received including four from the owners of Flourish Mansion and one from a District Councillor. They objected to / had adverse comments on the application on the grounds that the hotel would attract people with complicated social backgrounds leading to security and safety concerns; there were already many hotels or guesthouses within the area, the proposed development might not be able to provide quality hotel services to tourists and might only be turned into some kind of hourly motel; people from the hotel could get access into any floor of the building through the lift and staircases resulting in security problem; the proposed guesthouse use was unacceptable, unsuitable and incompatible in the building; no assessment on traffic impact, drainage impact and sewerage impact had been made; and the proposed development would reduce property price of Flourish Mansion and set an undesirable precedent for other future applications. District Officer (Yau Tsim Mong) advised that strong oppositions from the District Council member of the constituency concerned and the local residents were anticipated based on their adverse views expressed to a previous similar proposal at the premises; 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 mixed commercial/residential in nature. There were existing hotel developments and approved planning applications for hotel/guesthouse developments in the vicinity. The proposed hotel was located within the non-domestic portion of a commercial/ residential building with separate entrance and lift. Given its small scale with only 23 rooms proposed and with the provision of a separate access, adverse impact on the residential use at upper floors were not expected. Concerned government departments consulted had no adverse comment on the proposed development. Regarding the local

concerns on building management and security problem, the proposed hotel would be served exclusively by a lift from a separate entrance of the subject building and Commissioner of Police had no comment on the application from public law and order viewpoint. Conditions requiring the submission of a sewerage impact assessment and the implementation of the local sewerage upgrading/sewerage connection works were suggested to meet the requirements of Environmental Protection Department and Drainage Services Department as well as to address the possible drainage and sewerage impacts of the proposed development.

45. In response to a Member's enquiry, Mr. Soh replied that PlanD or Town Planning Board had no specific guidelines on the separation distance between hotel and an adjacent building but the proposed hotel development would need to comply with the requirements under the Buildings Ordinance.

Deliberation Session

46. Noting that the proposed hotel would share the use of the escape staircases with the residential floors above, a Member asked how the security concern could be addressed with the installation of the CCTV security camera system. Mr. Soh responded that the use of 24-hour CCTV security camera system monitored by security guards was a common practice adopted in other similar approved applications. Visitors of the hotel would take the lift and stairs which were provided for their exclusive use while the residents there would use the lifts and stairs at the main lobby through a separate entrance (Drawing A-2).

47. 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 23.12.2014, 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 a sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;

- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Director of Environmental Protection to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works;
- (b) to note the comments of the Commissioner for Transport that he had the rights 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 use of the premises;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the application for hotel concession including any exemption of back-of-house from gross floor area calculation under Building (Planning) Regulation 23A would be considered upon formal submission of building plans subject to compliance with the criteria under Practice Note for Authorized Persons and Registered Structural Engineers APP 40 (PNAP 111) and favourable comments from concerned departments. Detailed comments would be given at building plan submission stage;
- (d) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with the Code of Practice for Means of Access for Fighting and Rescue which was administered by Buildings Department; and

- (e) to note the comments of the Chief Officer/Licensing Authority, Home Affairs Department that :
- (i) the proposed hotel should be approved by the Building Authority under the Buildings Ordinance. A copy of the acknowledgement letter on completion of the proposed additions and alterations works issued by the Building Authority should be submitted to his office before the Licensing Authority to issue a licence under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
 - (ii) the licensed area in one application had to be physically connected and should not be separated by other occupancies or uses not connected with the applicant's business as a hotel operator; and
 - (iii) the licensing requirements would be formulated after inspections by his Building Safety Unit and Fire Safety Unit upon receipt of a licence application under HAGAO.

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

Agenda Item 12

Section 16 Application

[Open Meeting]

A/K5/699 Proposed Shop and Services in "Other Specified Uses" annotated
"Business(4)" zone, G/F (Portion), Wing Ming Industrial Centre,
15 Cheung Yue Street, Cheung Sha Wan
(MPC Paper No. A/K5/699)

49. The Committee noted that the applicant's representative requested on 9.12.2010 for deferment of the consideration of the application for two months in order to allow time to resolve public and departmental comments.

50. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Philip Y.L. Chum, STP/TWK, was invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/700 Proposed Wholesale Trade (Wholesale Shop) in "Other Specified Uses" annotated "Business(3)" zone, Front Portion of Unit 1, G/F, Elite Industrial Centre, 883 Cheung Sha Wan Road
(MPC Paper No. A/K5/700)

Presentation and Question Sessions

51. Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application premises which located at the front portion of Unit 1 on G/F of Elite Industrial Centre, was currently a wholesale shop for furniture. The rear portion of Unit 1, indicated by the applicant as 'store', was not covered in the application premises;
- (b) the wholesale trade (wholesale shop);
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;

- (d) no public comment was received during the statutory publication period and no local objection 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 made in paragraph 11 of the Paper. The “Other Specified Uses (Business)” (“OU(B)”) zone allowed greater flexibility in the use of the existing industrial or I-O buildings provided that the use would not induce adverse fire safety and environmental impacts. The wholesale trade (wholesale shop) under application was considered generally in line with the planning intention. The proposed use complied with the Town Planning Board (TPB) 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. The existing aggregate commercial floor area of approved applications for commercial use on the ground floor of the subject industrial building was 180.33m². If the subject application was approved, the aggregate commercial floor area would be 295.775m² which was still within the maximum permissible limit of 460m² required by Fire Services Department (FSD). The proposed wholesale shop was not incompatible with the uses of the subject industrial building which mainly comprised canteens, shops, fast food shops, godowns, workshops and office. As regards FSD's requirement that the store in the rear portion of Unit 1 should be separated by a fire resisting wall and should not be accessible to the application premises, appropriate approval condition was recommended.

52. Members had no question on the application.

Deliberation Session

53. 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 safety measures, including the provision of a means of escape completely separating the application premises from the industrial portion of the building; the separation of the application premises from the rear portion of Unit 1 by fire resisting wall; and the provision of fire service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2011; 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.

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

- (a) to note that prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department on application for a temporary wavier to permit the applied use; and
- (c) to note the comments of 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 fire resisting separation walls between the subject premises and the remaining portion of the building in accordance with the Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction 1996.

[The Chairman thanked Mr. Philip Y.L. Chum, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting]

A/KC/357 Proposed Commercial Use including Shop and Services/Eating Places/
Office in "Industrial" zone, High Fashion Centre,
1-11 Kwai Hei Street, Kwai Chung
(MPC Paper No. A/KC/357)

55. The Committee noted that the applicant's representative requested on 20.12.2010 for deferment of the consideration of the application for two months in order to allow time to resolve concerns from the Transport Department regarding the provision of loading/unloading bays within the site.

56. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/363 Proposed Shop and Services in "Industrial" zone,
Workshop 1 on 4/F, Man Shing Industrial Building,
No. 307-311 Castle Peak Road, Kwai Chung
(MPC Paper No. A/KC/363)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the subject industrial building was located at a split-level site, with the 4/F fronting Castle Peak Road (with pedestrian access only) and the G/F adjoining Yip Shing Street (with both pedestrian and vehicular access);
- (b) the proposed shop and services;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Kwai Tsing); 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 planning intention of “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the Board based on individual merits and the planning assessment criteria outlined in Town Planning Board (TPB) Guidelines No.25D. In this connection, the Director-General of Trade and Industry had no adverse comments on changing the industrial floor space into commercial use under the application. The applied use at the application premises was considered not incompatible with the uses of the subject industrial building, which was primarily for industrial and industrial-related office uses. The proposed use, with an area of about 120m², was not excessive in scale and would unlikely generate adverse traffic, environmental or infrastructural impacts on the surrounding areas.

The proposed use was generally in line with the TPB Guidelines for use/development within “I” zone in terms of traffic, fire safety, infrastructural and building matters. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on both G/F and 4/F. No uses at G/F and 4/F were currently applicable for the maximum permissible limit of 460m² and hence the GFA of about 120m² of the proposed use would not exceed the maximum permissible limit of 460m². In order not to jeopardise the long-term planning intention of industrial use for the premises, the application was recommended to be approved on a temporary basis for a period of three years.

58. In response to a Member’s enquiry, Mr. Lee explained that the subject industrial building was at a split-level site with pedestrian access on both 4/F and G/F. Therefore Fire Services Department (FSD) had no objection to the proposed shop and services use on 4/F which was at the same level of Castle Peak Road. The maximum permissible commercial floor area of 460m² as required by FSD would apply to uses both at G/F and 4/F. According to the applicant, the premises would be used for selling health food produced in the subject industrial building.

Deliberation Session

59. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2011;
- (b) in relation to (a) above, the implementation of fire service installations in the application premises within nine months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2011; and

- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department to apply for a temporary waiver to permit the applied use at the subject premises;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the provisions of the Buildings Ordinance should be complied with;
- (c) to note the comments of the Director of Fire Services that regarding matters in relation to fire resisting construction requirements for the premises, the applicant should comply with the requirements as stipulated in Code of Practice for Fire Resisting Construction which was administered by the Buildings Department; and
- (d) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial premises' for further information on the fulfillment of the approval conditions herein.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/110 Renewal of Planning Approval for
Temporary Concrete Batching Plant Use for a Period of 3 Years
in "Industrial" zone, Tsing Yi Town Lot 108 RP (Part), Tsing Yi
(MPC Paper No. A/TY/110)

61. The Secretary reported that the application was submitted by Hongkong United Dockyards Ltd. which was jointly owned by Hutchison Whampoa Ltd. (Hutchison) & Swire Pacific Ltd. (Swire). Mr. Felix W. Fong and Mr. Raymond Y.M. Chan who had current business dealings with Hutchison and Swire respectively had declared interests in this item. The Committee noted that Mr. Fong had tendered apologies for not attending this meeting and agreed that Mr. Chan's interest was direct and should leave the meeting temporarily.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application highlighting that the previous planning Application No. A/TY/102 for temporary concrete batching plant at the subject site was approved with conditions on a temporary basis for 3 years by the Committee on 22.2.2008 up to 22.2.2011. The subject application for renewal of Application No. A/TY/102 was first submitted on 18.3.2010. On 7.5.2010, the Committee decided to defer a decision on the application pending the applicant's submission of an updated traffic impact assessment (TIA) and any other relevant materials in support of the application. The Committee also agreed that the application should be submitted to the Board for consideration at the time nearer to the expiry of the planning permission (No. A/TY/102);

- (b) the renewal of planning approval for temporary 'Concrete Batching Plant' use for a period of 3 years;
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the statutory public inspection period of the application, one comment was received from a general public objecting to the application on the grounds that the concrete batching plant would pose negative impact on the Tsing Yi district, causing environmental pollution and traffic congestion. It would also affect the health of the residents. During the statutory public inspection period of the further information, two comments were received from a Kwai Tsing District Council member and from the Owners' Committee of Grand Horizon. The Kwai Tsing District Council member objected to the application as the raw materials would affect the environmental hygiene condition of the surrounding area and dust pollution would be caused when the wind blew towards Cheung Hang Estate. The Owners' Committee of Grand Horizon commented that the concrete batching plant would bring about environmental pollution in Tsing Yi. No local objection was received by the District Officer (Kwai Tsing); 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. The development was generally in line with the planning intention of the "Industrial" ("I") zone. The application was also generally in line with the Town Planning Board Guidelines No. 34B on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' in that there had been no material change in planning circumstances since the granting of the previous temporary approval under Application No. A/TY/102 by the Committee on 22.2.2008. The Site fell within an "I" zone and was situated in an established special industrial area in west Tsing Yi. The temporary use was not incompatible with the surrounding uses including shipyards, oil depots, works sites, open vehicle parks and container-related uses, etc. An updated

TIA showed that the two concerned road junctions, namely Tsing Yi Road West/Sai Tso Wan Road and Tsing Yi Road West/Cheung Tsing Highway Slip Road junctions, would operate with spare capacities during all peak hours in year 2014. In this regard, the Commissioner for Transport (C for T) envisaged that the traffic condition of the affected public roads and junctions would remain tolerable in short to medium terms. C for T's concern regarding queuing on public roads could be addressed by imposition of relevant approval condition. As regards the public comments received, the application site was located at a relatively remote part of the Tsing Yi west industrial area and the range of high hills at the central part of Tsing Yi Island could effectively serve as a buffer to screen off the potential environmental impacts and disturbances to the residential areas in the north-eastern part of Tsing Yi. Moreover, the Director of Environmental Protection also advised that a renewal of the Specified Process Licence for the concrete batching plant would be required from the Environmental Compliance Division of his Department.

63. Members had no question on the application.

Deliberation Session

64. Referring to paragraph 13.1 of the Paper, a Member asked why PlanD considered the application as "could be tolerated". The Secretary clarified that it was not uncommon for the Committee to tolerate a temporary use for a certain period of time after considering all relevant factors.

65. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 23.2.2011 to 22.2.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant should be allowed at any time during the planning approval period;

- (b) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (c) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.8.2011;
- (d) in relation to (c) above, the implementation of water supplies for fire fighting and fire service installations proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2011;
- (e) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) if any of the above planning conditions (c) or (d) 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.

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

- (a) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department that the owner of Tsing Yi Town Lot 108 RP should apply for a new temporary waiver for the concrete batching plant. The temporary waiver application would be subject to the comments from relevant bureaux and/or departments. There was no guarantee that the application would be approved. If the temporary waiver application was approved, it would be subject to fees and conditions as might be imposed by the Government;

- (b) to note the comments of the Director of Environmental Protection that the applicant was reminded to contact the Regional West Group, Environmental Compliance Division of his Department for the Specified Process Licence renewal requirements;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the erection of the concrete batching plant should be in compliance with the provisions of the Buildings Ordinance (BO). Concrete batching plants fixed to and founded on the ground, connected to a utility supply and with a control room, were buildings under the BO. Approval and consent were required prior to their erection. The applicant might refer to the Practice Note for Authorized Persons and Registered Structural Engineer APP-120 for the detailed submission requirements; and
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The provision 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 the Buildings Department.

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

Agenda Item 17

Section 16 Application

[Open Meeting]

A/TW/414 Proposed Flat with Minor Relaxation of Domestic Plot Ratio
from 5 to 5.2075 in "Residential (Group E)" zone,
106-114 Kwok Shui Road, Tsuen Wan (KCTL 157)
(MPC Paper No. A/TW/414)

67. The Secretary reported that the applicant was a subsidiary of Cheung Kong (Holdings) Ltd. (Cheung Kong). Mr. Felix W. Fong and Professor P.P. Ho who had current business dealings with Cheung Kong had declared interests in this item. The Committee noted that Mr. Fong had tendered apologies for not attending this meeting and agreed that Professor Ho could stay in the meeting as the applicant had requested a deferral of consideration of the application.

68. The Committee noted that the applicant's representative requested on 15.12.2010 for deferment of the consideration of the application for two months in order to allow time for preparation of additional information including assessment reports in support of the application.

69. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/TW/415 Proposed Shop and Services and Eating Place in "Industrial" zone,
Metex House, Nos. 24-32 Fui Yiu Kok Street,
Tsuen Wan (Tsuen Wan Town Lot 131)
(MPC Paper No. A/TW/415)

70. The Committee noted that the applicant's representative requested on 6.12.2010 for deferment of the consideration of the application for two months in order to allow time to resolve comments from Transport Department.

71. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting]

A/TW/416 Proposed Flat in "Residential (Group E)" zone,
13-17 Fu Uk Road, Tsuen Wan (KCTL 169)
(MPC Paper No. A/TW/416)

72. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Raymond Y.M. Chan and Mr. Felix W. Fong who had current business dealings with SHK had declared interests in this item. Ms. Julia M.K. Lau who was formerly employed by SHK from Nov 1994 to Nov 2008 had also declared an interest in this item. The Committee noted that Mr. Fong had tendered apologies for not attending this meeting, Mr. Chan had left the meeting already and Ms. Lau had not arrived yet.

73. The Committee noted that the applicant's representative requested on 14.12.2010 for deferment of the consideration of the application for one month in order to allow time to further address the building height issue and prepare additional information.

74. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 one

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/TW/419 Proposed Flat in "Residential (Group E)" zone,
 132-140 Kwok Shui Road, Tsuen Wan (KCTL 165)
 (MPC Paper No. A/TW/419)

75. The Secretary reported that Ove Arup & Partners Hong Kong Ltd (Ove Arup) was the consultant of the applicant. Professor S.C. Wong who had current business dealings with Ove Arup had declared an interest in this item. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Professor Wong could stay in the meeting.

76. The Committee noted that the applicant's representative requested on 8.12.2010 and 10.12.2010 for deferment of the consideration of the application for two months in order to allow time to further consult relevant Government departments and to provide important supplementary information.

77. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. K.T. Ng, STP/TWK, was invited to the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/99 Proposed Residential Development and Minor Relaxation of
Building Height Restriction in "Residential (Group C) 3"
and "Green Belt" zones, Lot 495 in D.D. 399,
Ting Kau, Tsuen Wan West
(MPC Paper No. A/TWW/99)

78. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Raymond Y.M. Chan and Mr. Felix W. Fong who had current business dealings with SHK had declared interests in this item. Ms. Julia M.K. Lau who was formerly employed by SHK from Nov 1994 to Nov 2008 had also declared an interest in this item. The Committee noted that Mr. Fong had tendered apologies for not attending this meeting, Mr. Chan had left the meeting already and Ms. Lau had not arrived yet.

Presentation and Question Sessions

79. 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 current application was an amendment scheme to the previous scheme under Application No. A/TWW/72 approved by the Committee on 26.3.2004;
- (b) the proposed residential development and minor relaxation of building height restriction - comprised seven semi-detached 3-storey houses and 24 apartment units in four apartment blocks (5 storeys above one level of car park and a lift lobby level i.e. 7 storeys). It would be arranged in clusters

on 2 platform levels with all ancillary basement car parks falling within “Residential (Group C) 3” (“R(C)3”) zone, a landscaped garden and a swimming pool in the area zoned “Green Belt” (“GB”) on the Outline Zoning Plan (OZP). According to the Notes of “R(C)3” zone, minor relaxation of building height restriction of 5 storeys above one level of car park for the proposed apartment blocks (i.e. 5 storeys above one level of car park and a lift lobby level resulting in 7 storeys in the application) would require planning permission from the Town Planning Board (TPB). Also the proposed swimming pool, which was regarded as an ancillary use to the flat use and falling within the “GB” zone, required planning permission;

- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the statutory publication period of the application, one comment was received. The commenter raised concern in that there was no relevant evidence establishing an overriding need for the plot ratio and site coverage relaxation; and no public planning gains had been identified. Subsequently, during the public inspection period of the further information on traffic noise impact assessment, one commenter was concerned whether there would be any adverse impact on air circulation due to the proposed building height and whether there would be more congestion during peak hour since Castle Peak Road was already subject to heavy traffic. No local objection 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 made in paragraph 11 of the Paper. As compared with the previously approved scheme under Application No. A/TWW/72, the proposed amendments mainly involved an increase in site area to reflect the lot boundary under the lease, increase in the number of apartment towers and houses with corresponding adjustment in car parking space provision, reduction of plot ratio and total number of units as well as changes in the layout, design and disposition of the apartment blocks and

houses. However, the total GFA (i.e. 7,268m²), site coverage (i.e. not more than 40%), building height and number of storeys for the apartment blocks (i.e. 74.5mPD and 5 storeys above one level of car park and a lift lobby level) and the proposed location of the swimming pool within the “GB” zone of the current scheme remained unchanged as per the previously approved scheme (No. A/TWW/72). The current mixed “House/Apartment” scheme comprised two distinct height platforms to provide a pronounced stepped height profile. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application from urban design and visual perspectives. Other concerned government departments consulted had no adverse comment or no objection to the application. The proposed amendments were considered acceptable from planning point of view. The current application was also supported by an updated traffic noise impact assessment. The Director of Environmental Protection had no objection to the application and considered that with the provision of the proposed noise mitigation measures, adverse environmental impacts associated with the proposed development was not anticipated. Regarding the technical aspects of the proposed development such as landscaping, noise mitigation measures, fire safety requirements, appropriate approval conditions could be imposed. As regards the public concerns on the relaxation of plot ratio and site coverage, air ventilation and traffic impact, it should be noted that the proposed plot ratio was within the maximum limit stipulated on the OZP and there was no relaxation of site coverage under the current scheme. CTP/UD&L had no comment on the applicant's justifications from air ventilation point of view. For the concern of traffic congestion, Commissioner for Transport had no objection to the application from traffic point of view.

80. In response to a Member’s enquiry, Mr. Ng explained that the location of the swimming pool within the “GB” zone was included in accordance with the previously approved scheme. The applicant would provide landscaping to the other area within the “GB” zone.

81. In response to another Member's enquiry, Mr. Ng replied that the minor relaxation of building height and the area of "GB" zone involved were the same as the previously approved scheme.

82. A Member asked why the site area had increased in the current application. Mr. Ng explained that the site area was revised due to the setting out of site boundary at the processing of land grant stage.

Deliberation Session

83. 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 23.12.2014, 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 implementation of noise mitigation measures as proposed in the application to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission and implementation of a landscape master plan (including tree survey report) to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance and its regulations; and
- (b) to note the Geotechnical Engineering Office's requirements of making site

formation submissions including the investigation of stability of all geotechnical features and natural hillside.

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

[Professor S.C. Wong left the meeting at this point.]

Hong Kong District

Agenda Item 22

Section 12A Application

[Open Meeting]

Y/H15/7

Application for Amendment to the Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/26 from "Industrial" to "Other Specified Uses" annotated "Open Space and Boatyard", A Strip of Land to the East of Ap Lei Chau Praya Road, Ap Lei Chau (MPC Paper No. Y/H15/7)

85. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Raymond Y.M. Chan and Mr. Felix W. Fong who had current business dealings with SHK had declared interests in this item. Ms. Julia M.K. Lau who was formerly employed by SHK from Nov 1994 to Nov 2008 had also declared an interest in this item. The Committee noted that Mr. Fong had tendered apologies for not attending this meeting, Mr. Chan had left the meeting already and Ms. Lau had not arrived yet.

86. The Secretary further informed Members that the application site was at Ap Lei Chau Praya Road. Mr. K.Y. Leung, whose mother owned a flat in Ap lei Chau and whose employer (University of Hong Kong) intended to acquire a piece of land in the Aberdeen and Ap Lei Chau area for development, had declared an interest in this item. As the applicant had requested a deferral of consideration of the application, Members agreed that Mr. Leung

could stay in the meeting.

87. The Committee noted that the applicant's representative requested on 15.12.2010 and 17.12.2010 for deferment of the consideration of the application for two months in order to allow time to address and resolve the issues/concerns raised by concerned government departments and the public.

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/H11/97 Proposed Minor Relaxation of Building Height Restriction from
230 mPD to 238.7 mPD in "Residential (Group B)" zone,
23, 25, 27D, E and F Robinson Road, Mid-levels West
(MPC Paper No. A/H11/97)

89. The Secretary reported that the application was received on 12.11.2010 and the original proposal was for relaxing the building height (BH) restriction to 247.5mPD for a 35-storey residential development. The application was originally scheduled for consideration by the Committee at this meeting. On 16.12.2010, the applicant submitted further information (FI) including updated development scheme drawings and additional photomontages to reduce the BH of the proposed development from 247.5mPD to 238.7mPD with a view to addressing departmental comments on the urban design and visual aspects and a layout for the car parking levels. The FI was circulated to relevant government departments for comments. Due to limited time, comments from concerned government departments were not

yet available. As the FI was only received seven days before this meeting and there was insufficient time for government departments to provide comments, Planning Department (PlanD) therefore recommended the Committee to defer a decision on the subject application to the next meeting.

90. After deliberation, the Committee decided to defer a decision on the application to the next meeting as requested by PlanD.

[Ms. Kitty S.T. Lam, STP/HK, was invited to the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/62 Proposed Minor Relaxation of Building Height Restriction
from 5 Storeys to 6 Storeys in "Government, Institution
or Community" zone, Roof Floor (Part), New Wing Building,
41 Mount Kellett Road, The Peak (RBL 771)
(MPC Paper No. A/H14/62)

Presentation and Question Sessions

91. Ms. Kitty S.T. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 5 storeys to 6 storeys for proposed addition of new ancillary administrative office of 239.4m² on part of the existing roof of the New Wing Building of the Matilda & War Memorial Hospital, which was located at the eastern portion of the "Government, Institution or Community" ("G/IC") zone;

- (c) departmental comments – no objection/adverse comment from concerned government departments was received;

- (d) during the statutory publication period, four public comments were received. The comments, submitted by the residents nearby and members of the public, objected to the application. The commenters opined that the proposed development would have adverse visual impact on the surrounding developments and affect property values. It would also affect the Hong Kong public's feng-shui. The proposed development would bring about large lorries and heavy vehicles, increase the traffic burden and further overload the roads in the vicinity. In the absence of expansion of ward/medical facilities, the need for proposed expansion of office facilities could not be seen. No local objection was received by the District Officer (Central and Western); 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 ancillary office area was to support the operation of the Hospital which was now under an expansion programme for its medical services to cater for the increasing demand. Secretary for Food and Health (SFH) was of the view that the increase in ancillary administration office could help support the Hospital in delivering its service, and benefit patients and the community. SFH recognised the Hospital's need of additional area for ancillary office and considered the most viable solution was to add one more storey on the roof area of the existing New Wing Building. The proposed ancillary office was in line with the planning intention for the "G/IC" zone for the provision of GIC facilities to serve the needs of the local residents and/or a wider district, region or the territory. It was compatible with the existing buildings within the Hospital and the developments in the surrounding area. The proposed additional office space would only occupy about 1/3 of the existing roof level of New Wing Building which currently accommodated the plant room, water tank and related facilities. The floor height of the additional storey was about 4m and the new roof top would be kept at the same level as the original one at

434.17mPD. The proposed addition was minor in nature and would not generate significant visual and landscape impacts. The proposed increase of 239.4m² GFA for the ancillary office use was small in terms of scale and would not generate adverse traffic impact. On the concerns expressed in the public comments, it was envisaged that the development would not have adverse visual impact on the surrounding area. Feng-shui was not a material planning consideration. As regards the need for expanding the Hospital's office and administrative facilities and possible adverse traffic impact, these issues had already been covered in the assessment.

92. Members had no question on the application.

Deliberation Session

93. 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 23.12.2014, 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 condition :

- the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department regarding compliance with the Conditions of Working within Water Gathering Grounds; and
- (b) to note the comments of the Director of Fire Services regarding compliance with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/169 Proposed Shop and Services (Estate Agency Office)
 in "Other Specified Uses" annotated "Business" zone,
 Portion of Workshop 4, G/F, Cheung Tat Centre,
 18 Cheung Lee Street, Chai Wan
 (MPC Paper No. A/H20/169)

Presentation and Question Sessions

95. Ms. Kitty S.T. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application premises formed part of a previous planning application (No. A/H20/63) for a proposed bank, which was submitted when the site was zoned “Industrial” (“I”) on the Chai Wan OZP. It was approved by the Committee on 6.5.1994 with condition. The application premises was currently being used as an estate agency office;
- (b) the shop and services (estate agency office);
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the statutory publication period, one public comment was received. The commenter had no objection to the application. No local objection was received by the District Officer (Eastern); 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 shop and services (estate agency office) use under application was in line

with the planning intention of the “Other Specified Uses (Business)” (“OU(B)”) zone and was not incompatible with the uses in the same building, which were mainly workshops, offices and non-polluting industrial uses. It was also considered not incompatible with the surrounding developments including workshops, retail shops and eating places on the ground floor of the nearby industrial buildings. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. Currently the approved aggregate commercial floor area of shop and services use on the G/F of the subject building was 157.14m². If the application premises (26.73m²) was approved, the aggregate commercial floor area would be 183.87m², which was still within the maximum permissible limit of 460m². The subject estate agency office complied with the relevant considerations in the Town Planning Board Guidelines No. 22D for Development within “OU(B)” Zone in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the provision of means of escape separated from the industrial portion and fire service installations in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2011; 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.

98. The Committee also agreed to advise the applicant of the following :
- (a) to note that prior planning permission should have been obtained before commencing the applied use at the application premises;
 - (b) to apply to the District Lands Officer/Hong Kong East, Lands Department for lease modification or a temporary waiver to permit the use under application at the subject premises;
 - (c) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding building plan submission for any building works in connection with the use under application for approval and provision of disability facilities under the Buildings Ordinance; and
 - (d) to note the comments of the Director of Fire Services regarding the compliance with the requirements as stipulated in the Code of Practice for Fire Resisting Construction.

[The Chairman thanked Ms. Kitty S.T. Lam, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting]

A/H5/389 Proposed Office with Shop and Services Use in
"Residential (Group A)" zone, 12-18 Wing Fung Street (IL 8464)
and an Adjoining Rear Lane, Wan Chai
(MPC Paper No. A/H5/389)

99. The Secretary reported that Ms. Julia M.K. Lau and Mr. Laurance L.J. Li who

owned properties on Star Street and St. Francis Street respectively had declared interests in this item. The Committee noted that Ms. Lau had not yet arrived and agreed that Mr. Li could stay in the meeting as Planning Department (PlanD) had requested a deferral of consideration of this application.

100. The Secretary reported that on 6.8.2010, the application was received seeking planning permission for a 29-storey office building (including 3 basement levels for car park) with retail use on 1/F at the application site. The proposed development would have a plot ratio of not exceeding 15 and a building height (BH) of 119.95mPD. The subject site fell within an area zoned "Residential (Group A)" ("R(A)") when there was no building height restriction and setback requirement at the time of submission of the application. On 24.9.2010, the Committee agreed to defer the consideration of the subject application for 2 months as requested by the applicant and the applicant had reactivated the application by submitting further information on 8.11.2010.

101. The Secretary continued to report that on 24.8.2010, the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/26, incorporating amendments related to, inter alia, the imposition of BH restriction of 100mPD and a minimum of 1m setback from the lot boundary fronting Wing Fung Street for the "R(A)" zone covering the subject site, was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the statutory exhibition period, a total of 106 representations were received. Out of these representations, there were 5 representations objecting to the BH restrictions and the setback requirements, and requesting for relaxation of such restrictions. While one of the representations was general in nature, the other 4 relevant representations were in respect of the area bounded by Queen's Road East, Monmouth Path, Star Street and Wing Fung Street, including the subject application site. Although there was no representation asking for a more stringent BH restriction for the subject site, it should be noted that the current application was for a proposed office development with a BH of 119.95mPD with no setback fronting Wing Fung Street, which was similar to one of the proposals made by the representers in the 4 representations, i.e. to relax the BH restriction of the site to 120mPD and to delete the setback requirement. According to the Town Planning Guidelines No. 33, a decision on a s.16 application should be deferred if the application site was still subject to outstanding adverse representations yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the application.

Therefore, PlanD recommended to defer a decision on the subject application as the BH restriction and the setback requirement of the “R(A)” zone covering the subject site was the subject of 4 outstanding adverse representations of the draft OZP.

102. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD pending the final decision of the CE in C on the draft OZP and the representations.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/H7/152 Proposed Minor Relaxation of Building Height Restriction
from 100mPD to 108mPD for a Proposed Residential Development
in "Residential (Group B)" zone, 29-31 Yuk Sau Street and
21-23 Village Road, Wong Nai Chung
(MPC Paper No. A/H7/152)

103. The Committee noted that the applicant’s representative requested on 10.12.2010 and 20.12.2010 for deferment of the consideration of the application for two months in order to allow time to undertake further technical feasibility studies on the basement carpark arrangement in order to reduce the proposed building bulk.

104. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting]

A/H21/132 Proposed Office Development and Minor Relaxation of the
Non-building Area Restriction (Amendment to An
Approved Master Layout Plan) in "Comprehensive Development Area"
zone, Taikoo Place, 979 King's Road, Quarry Bay
(MPC Paper No. A/H21/132)

105. The Secretary reported that the application was submitted by a subsidiary of Swire Properties Ltd. (Swire). Mr. Raymond Y.M. Chan who had current business dealings with Swire had declared an interest in this item. The Committee noted that Mr. Chan had already left the meeting.

106. The Secretary reported that a petition letter submitted by District Councillor Mr. Eddie Ting of the Eastern District Council was received before this meeting and was tabled at the meeting. As the applicant had requested a deferral of the consideration of the planning application, the views in the petition letter would be submitted to the Committee for consideration when the subject planning application was considered by the Committee in due course.

107. The Committee noted that the applicant's representative had requested on 15.12.2010 for deferment of the consideration of the application for two months in order to allow time to complete technical assessments to address the comments from the Planning Department.

108. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 29

Any Other Business

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