

TOWN PLANNING BOARD

Minutes of 452nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 21.10.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor P.P. Ho

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Professor S.C. Wong

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. David To

Assistant Director(2), Home Affairs Department
Mr. Frankie Chou

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr. Ken Y.K. Wong

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

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

Secretary

Absent with Apologies

Ms. L.P. Yau

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Dr. Winnie S.M. Tang

Ms. Maggie M.K. Chan

In Attendance

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

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 451st MPC Meeting held on 7.10.2011

[Open Meeting]

1. The draft minutes of the 451st MPC meeting held on 7.10.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Section 12A Application No. Y/H24/3

Proposed Amendments to the Notes of the Zones covering the Queen's Pier on the Approved Central District (Extension) Outline Zoning Plan No. S/H24/6 to incorporate
"On-site preservation of the Queen's Pier located at the north of City Hall"

2. The Secretary informed Members that on 18.1.2007, the Action Group on Protection of the Harbour submitted a section 12A application (No. Y/H24/3) for amending the Notes of the approved Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/6 by incorporating a statement "On-site preservation of the Queen's Pier (QP) at the north of City Hall" for those zones covering the QP on the OZP. On 13.4.2007, the Metro Planning Committee (the Committee) decided to defer a decision on the application as requested by the Planning Department and the applicant until the Government had a more detailed proposal on the QP. As the Urban Design Study for the New Central Harbourfront was completed in July 2011, the applicant's view was sought on when the application should be re-activated. On 20.9.2011, the applicant wrote to the Secretariat of the Town Planning Board (the Board) to re-activate the application. The Secretary continued to point out that given the preservation of the QP was of wide public interest and territorial significance, it was recommended that the application should be considered by the Board rather than the Committee. Subject to Members' agreement, the application would be submitted to the Board for consideration at its meeting to be held on 25.11.2011. Members agreed.

(ii) Approval of Draft Outline Zoning Plan/Development Permission Area Plan

3. The Secretary reported that on 4.10.2011, the Chief Executive in Council (CE in C) approved the following draft Outline Zoning Plans (OZPs) and Development Permission Area (DPA) Plans under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and the approval of the OZPs and DPA Plans were notified in the Gazette on 14.10.2011:

- (a) Wang Tau Hom & Tung Tau OZP (to be renumbered as S/K8/21);
- (b) Tsuen Wan OZP (to be renumbered as S/TW/28);
- (c) Hoi Ha DPA Plan (to be renumbered as DPA/NE-HH/2); and
- (d) Pak Lap DPA Plan (to be renumbered as DPA/SK-PL/2).

(iii) Reference Back of Approved OZPs

4. The Secretary reported that on 4.10.2011, the CE in C referred the following approved OZPs to the Board for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back of the OZPs were notified in the Gazette on 14.10.2011:

- (a) Kwai Chung OZP No. S/KC/25; and
- (b) Ngau Chi Wan OZP No. S/K12/16.

Tsuen Wan and West Kowloon District

[Mr. Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), Ms. K.M. Tong, Town Planner/Tsuen Wan and West Kowloon (TP/TWK), and Mr. Timothy Y.C. Leung, Chief Engineer/Kowloon, Civil Engineering and Development Department (CEDD), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the

Approved Shek Kip Mei Outline Zoning Plan No. S/K4/25

(MPC Paper No. 16/11)

5. The Secretary said that two sites at Beacon Hill, the subjects of the proposed amendments to the OZP, were potential land sale sites. Ms. Olga Lam had declared an interest in this item as she was the Assistant Director (Kowloon), Lands Department. As the item was for the consideration of proposed amendments to an OZP and related to the plan-making process, Members agreed that Ms. Lam could be allowed to stay in the meeting.

Presentation and Question Sessions

6. With the aid of a powerpoint presentation, Mr. Philip Y.L. Chum, STP/TWK, presented the proposed amendments and covered the following aspects as detailed in the Paper :

Background to the Proposed Amendments

- (a) in order to ensure adequate supply and timely delivery of suitable sites for land disposal to meet demand on private housing, the Government had identified two sites at Tai Wo Ping (Sites A and B) as potential sale sites for private residential development;
- (b) Sites A and B were vacant and located at the mid-hill of Beacon Hill, north of Lung Cheung Road. They were close to a cluster of low-rise, low-density private residential developments, namely the Beacon Heights and Dynasty Heights to the west, with Lung Cheung Road to the south; Phoenix House (the Correctional Services Department's half-way house) to the east; and the slopes of Beacon Hill to the north;
- (c) Site A (about 1.07ha) comprised three formed platforms of different levels. Site B (about 2.17ha) previously occupied by the ex-Lung Ping Road

temporary housing area comprised a formed platform. The two sites had been reserved for primary and secondary school uses on the Shek Kip Mei Outline Development Plan since March 2002. In 2005, after noting the surplus in the provision of school sites in the district and feasibility for private housing development, the Administration decided to release the two sites for low-density residential development;

- (d) in June 2008, the Civil Engineering and Development Department (CEDD) commissioned a consultancy study (the Study) to ascertain the feasibility, sustainability and public acceptability of proposed residential development on the sites and investigate the necessary infrastructure works;
- (e) the Study revealed that major constraint to the development intensity of the proposed residential development on the sites would be the traffic noise impact arising from Lung Cheung Road. Since mitigation at source was not feasible as it would seriously affect the traffic flow of Lung Cheung Road and a 100% noise compliance rate for the proposed residential sites was required by the Environmental Protection Department (EPD), on-site mitigation measures in the form of noise barriers had to be provided within the proposed residential development on the sites;
- (f) four development options were formulated for evaluation, namely an option under the “do-nothing” scenario with no noise barrier and three development options with on-site noise barriers of different heights i.e. 2.5m, 5m and 8m high respectively. These options were assessed against the following criteria:
 - efficient utilisation of land resource;
 - minimum visual impact on both the residential development and the surrounding area;
 - better air ventilation and greater sunlight penetration within the residential development;
 - open views of buildings on upper floors be retained; and
 - impact on local setting and compatible with the existing surrounding residential developments;

- (g) assessment of the four development options were detailed in paragraph 4 of the Paper. Among the four options, Option 2 with a total of PR of 1.32 and maximum building heights of 166.3mPD for Site A and 162.7mPD for Site B was recommended by the Study for the proposed residential development;
- (h) the Traffic Impact Assessment, Air Ventilation Assessment (AVA) and Landscape and Visual Impact Assessment had been conducted for the recommended development option i.e. Option 2. The assessments detailed in paragraphs 4.6 to 4.11 of the Paper were summarized below:
- there was no shortfall of primary and secondary schools in the Shek Kip Mei area and no shortage of site-based GIC facilities for the Sham Shui Po district. Moreover, there was no proposal from concerned government departments to use the two sites for other 'GIC' uses. The two sites were considered suitable for the proposed low-density residential use which was compatible with the land use of the adjacent area;
 - in view of the traffic noise nuisance from Lung Cheung Road, building height of the proposed residential development was constrained by the noise contours at the two sites. With the provision of 2.5m high noise barriers and a height profile of 166.3mPD and 162.7mPD at Sites A and B, the proposed residential development would meet EPD's noise standard. In order to allow design flexibility for the future residential development, the form of the noise mitigation measures and the exact stepped height profile would not be prescribed in the Notes of the OZP. However, suitable provision in relation to the submission of noise impact assessment and provision of traffic noise mitigation measures would be included in the land sale document;

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

- the Expert Evaluation of the AVA for the potential residential sites revealed that the recommended development option was not expected to cause any adverse impact on the prevailing wind. The initial study revealed that downhill wind would not be adversely affected by the presence of the proposed residential development. However, in order to enhance the internal air ventilation within the two sites, adequate housing separation and building setback from the noise barrier should be provided. Moreover, relevant requirements would be incorporated in the Explanatory Statement (ES) of the OZP to guide the future development of the sites;

- as the achievable maximum building heights for both sites were lower than the building heights of the residential developments in the vicinity, no adverse visual impact on the surroundings was anticipated;

Proposed Amendments to the OZP

- (i) Item A- rezoning of a site to the west of Pheonix House (Site A) from “G/IC” to “Residential (Group C)11” (“R(C)11”) with a maximum GFA of 10,812m² and a maximum building height of 166.3mPD to facilitate low-rise and low-density residential development (about 1.07ha);

- (j) Item B- rezoning of a site to the east of Beacon Heights (Site B) from “G/IC” to “R(C)12” with a maximum GFA of 31,844m² and a maximum building height of 162.7mPD to facilitate low-rise and low-density residential development (about 2.17ha);

- (k) Item C- rezoning of a sloping area to the east of Beacon Heights and around the two proposed residential sites from “G/IC” to “Green Belt” (“GB”) to conserve the existing densely vegetated area and slopes and to protect the valuable landscape assets (about 5.62ha);

- (l) Item D- amendment of the building height restriction of a piece of land zoned “G/IC” at the junction of Lung Cheung Road and Lung Ping Road

from 8 storeys to 1 storey to retain the site for GIC use to meet future unforeseen demand and to avoid causing adverse visual impact on the surroundings (about 0.44ha);

- (m) Items E1 to E4- rezoning several strips of land to the north and south of Lung Cheung Road from “G/IC” and “GB” to areas shown as ‘Road’ to reflect an at-grade section of the proposed new vehicular access to the two proposed residential sites (about 0.69ha);
- (n) Item E5- rezoning a section of existing public road connecting to Lung Ping Road and Lung Cheung Road and its adjoining strip of land abutting Lung Cheung Road from “G/IC” to area shown as ‘Road’ to reflect the as-built situation of an existing public road and an at-grade portion of the new vehicular access road (about 0.24ha);

Proposed Amendments to the Notes and ES of the OZP

- (o) amendment to the Notes of the OZP to incorporate the development restrictions for “R(C)11” and “R(C)12” zones;
- (p) the ES had been revised to take into account the proposed amendments as mentioned above. Opportunity had also been taken to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP;

Departmental Consultation and Public Consultation

- (q) relevant government bureaux/departments had no objection to or adverse comments on the proposed amendments. The proposed amendments had taken into account the comments of relevant bureaux/departments, where appropriate; and
- (r) since the Sham Shui Po District Council (SSPDC) had been suspended from 6.9.2011 to 31.12.2011 under section 28 of the District Council Ordinance, subject to the Committee’s agreement to the proposed

amendments to the OZP together with its Notes and ES, a consultation paper would be circulated to the members of the SSPDC via the Secretariat of the SSPDC as soon as the proposed zoning amendments was exhibited for public inspection. Furthermore, SSP East Area Committee would be consulted during the 2-month publication period of the draft Shek Kip Mei OZP to gauge local views.

7. A Member noted that Planning Department proposed to stipulate maximum GFA and BHRs for the two residential sites under the proposed “R(C)11” and “R(C)12” zones. However, there was no stipulation in the Notes of the two “R(C)” zones regarding the provision of noise barriers within the lot boundary of the two sites. Without such stipulation, the future developers of the two sites might not provide the noise barriers as recommended in the Study. This Member enquired if the future developers would be allowed to provide alternative mitigation measures to meet EPD’s noise standards.

8. In response, Mr. Philip Y.L. Chum, STP/TWK, said that in view of DEP’s concerns on the traffic noise impacts, the land sale documents for these two sites would include the requirements on the submission of noise impact assessment and provision of noise mitigation measures to the satisfaction of DEP. Similar approach had been adopted for another residential site in Tuen Mun area.

9. The Secretary pointed out the requirement for providing noise barriers as a kind of noise mitigation measures on the two sites had been clearly set out in the relevant paragraph of the ES of the OZP (attached at Annex III of the Paper). In working out the lease conditions of the two sites, LandsD would be advised to incorporate the requirement for providing noise barriers on the sites to mitigate against the noise impacts of Lung Cheung Road to the satisfaction of EPD.

10. Mr. Ken Y.K. Wong of EPD said that the subject two sites were located to the north of Lung Cheung Road. Future residential development thereon would be subject to adverse traffic noise impacts of Lung Cheung Road. In order to first establish the environmental acceptability of these sites before rezoning, the Study had worked out a schematic layout with appropriate noise mitigation measures which served as a reference to guide the future residential developments. Nevertheless, other building designs and mitigation measures which met the noise standards could also be considered by DEP. In

this regard, suitable conditions to require submission of noise impact assessment and provision of noise mitigation measures would be included in the land sale document of the sites.

11. In response to a Member's question on the proposed amendment Item E2 on rezoning a strip of land from "GB" to an area shown as 'Road', Mr. Philip Chum said that the proposed amendment Item E2 together with Item E1 and Items E3 to E5, were to reflect an at-grade section of a new vehicular access to the two residential sites.

12. The Chairman said that the schematic layout for the residential development on the two sites with provision of noise barriers had been worked out in the Study. If the future developers adopted the proposals of the Study, they would be able to meet the noise standard. However, other noise mitigation measures, other than noise barriers, which could meet EPD's noise standard would also be allowed to provide flexibility.

13. In response to a question raised by Ms. Olga Lam of the Lands Department on the location of the proposed noise barriers, Mr. Timothy Y.C. Leung of CEDD said that according to the schematic layout worked out by the Study, on-site mitigation measures in the form of noise barriers were to be provided within the boundary of the sites. Ms. Olga Lam said that the requirements for submitting a noise impact assessment on the noise impact of Lung Cheung Road might be incorporated in the land sale document of the two sites. Subject to the findings of the assessment, appropriate traffic noise mitigation measures might need to be provided in the proposed residential developments. She added that to allow flexibility for future developments, the land sale document might not specify the requirement for providing noise barrier or other specific noise mitigation measures.

14. Mr. Ken Y.K. Wong of EPD said that the Study had revealed that the provision of noise mitigation measure at source was not technically feasibility as this would seriously affect the traffic flow of Lung Cheung Road. In this regard, noise mitigation measures had to be provided on the residential sites by the future developers in order to meet EPD's requirement. Therefore, it was considered appropriate to set out clearly in the land sale document the requirements of on-site noise mitigation measures to provide some degree of certainty to future developers. Without such stipulation, the future developers would not know the governments' requirement before they decided their bidding prices. In this regard, concerned government departments would further work out how to stipulate such

requirements in land sale document.

15. The Chairman said that the Committee should consider the proposed zoning and development intensity for the two residential sites from the land use planning point of view. For the detailed requirements to be stipulated in the land sale document to address the traffic noise impact of Lung Cheung Road, they would be further examined by the relevant government departments at a later stage. Members agreed.

16. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Shek Kip Mei OZP No. S/K4/25 and its Notes as mentioned in paragraphs 5 and 6 of the Paper;
- (b) agree that the draft Shek Kip Mei OZP No. S/K4/25A at Annex I of the Paper (to be renumbered as S/K4/26 upon exhibition) and its Notes at Annex II of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (c) adopt the revised Explanatory Statement (ES) at Annex III of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zonings of the OZP; and
- (d) agree that the revised ES at Annex III of the Paper was suitable for exhibition together with the draft Shek Kip Mei OZP No. S/K4/25A (to be re-numbered as S/K4/26 upon exhibition) under section 5 of the Ordinance.

[The Chairman thanked Mr. Timothy Y.C. Leung, Chief Engineer/Kowloon, CEDD, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/710 Shop and Services
 in “Other Specified Uses” annotated “Business(2)” zone,
 Unit C2A, G/F, Hong Kong Spinners Industrial Building, Phase I & II,
 800 Cheung Sha Wan Road, Kowloon

 (MPC Paper No. A/K5/710)

Presentation and Question Sessions

17. 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;
- (b) the shop and services;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (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 assessments set out in paragraph 11 of the Paper, which were summarized below:
 - the ‘Shop and Services’ use under application was considered generally in line with the planning intention for the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone in that it allowed for greater flexibility in the use of the existing industrial or industrial-office buildings provided that the use would not result in

adverse fire safety and environmental impacts;

- the 'Shop and Services' use under application was not incompatible with the uses of the subject industrial building which mainly comprised canteen, bakery shop, computer shop and office on the ground floor, and offices of industrial and trading firms on the upper floors. It complied with the Town Planning Board Guidelines No. 22D for 'Development within the "OU(Business)" Zone' in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent area;
- government departments had no objection to the application. Should the Committee approve the application, the aggregate commercial floor area approved by the Committee would be 223.698m². This was within the maximum permissible limit of 230m² on the ground floor of the subject industrial building without a sprinkler system. In this regard, the Director of Fire Services (D of FS) had no objection to the application; and
- as the previous application (No. A/K5/695) was revoked on 24.3.2011 due to non-compliance with the approval condition on submission and implementation of fire service installations within 6 months from the date of the approval, a shorter compliance period for a similar condition might be appropriate. However, according to D of FS' advice, a 6-month compliance period should be maintained to allow sufficient time for the applicant to comply with the condition. Nevertheless, it was recommended that the applicant be advised that should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

18. Members had no question on the application.

Deliberation Session

19. 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 separated from the industrial portion and fire service installations in the subject premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 21.4.2012; 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.

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

- (a) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) to note the comments of the Director of Fire Services that the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department should be complied with; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department 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 :

- adequate means of escape in accordance with the Building (Planning) Regulation 41(1) and the Code of Practice for the Provision of Means of Escape in Case of Fire 1996;
- adequate fire resisting separation between the premises and the remaining portion of the building in accordance with the Building (Construction) Regulation 90 and paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996;
- access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- to note the comments of the Director of Food and Environmental Hygiene for obtaining appropriate licence/permit from the Food and Environmental Hygiene Department (FEHD) prior to the commencement of food business or other trade of business that operate under the relevant legislation enforceable by FEHD.

[The Chairman thanked Mr. Philip Y.L. Chum, STP/TWK and Ms. K.M. Tong, TP/TWK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K2/196 Proposed Flat and Shop and Services (Retail Shop)
in "Commercial" zone,
54-60 Portland Street, Yau Ma Tei, Kowloon
(MPC Paper No. A/K2/196B)

Presentation and Question Sessions

21. 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 29-storey residential development (including a one-storey basement) with shops at basement and ground floor at No. 54-60 Portland Street;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period of the further information, two public comments were received. One comment was submitted by the Incorporated Owners of the neighbouring composite building, Bell House who objected to the application on landscape, visual, air ventilation, traffic and sewage grounds. The other comment was submitted by a private individual living nearby who objected to the application on traffic grounds; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper, which were summarized below:
 - the site was located within the Yau Ma Tei area, where there was a mixture of residential, hotel and office developments and commercial uses like shops and restaurants were commonly found on the ground/lower floors of buildings. Such development pattern was largely inherited from the former “Commercial/Residential” (“C/R”) zoning of the site and its neighbouring area before 1993.

Upon the recommendations of the Kowloon Density Study (KDS), the “C/R” zone designation on the Outline Zoning Plans (OZPs) in Kowloon was no longer used and the concerned areas were rezoned “Commercial” (“C”) or “Residential (Group A)” (“R(A)”) on 24.12.1993 to avoid uncertainty about traffic and infrastructure demands and better reflect the planning intentions for individual zones. In specific, the “C/R” zones in the Mong Kok and Yau Ma Tei areas along Nathan Road were rezoned “C” for commercial developments to reflect the Nathan Road spine as a major business and commercial/shopping centre. The “C” zoning would also help phase out the existing residential buildings along Nathan Road, which were subject to significant traffic noise impact;

- the subject site was located at the inner street away from the busier Nathan Road and Waterloo Road. The subject site was subject to a lesser degree of traffic noise impact. The proposed residential development with shops on the lower floors was considered to be not incompatible with the surrounding developments. According to the various assessments submitted by the applicant, the proposed residential development was not expected to have adverse impact on the environment and infrastructural capacity of the area;
- notwithstanding the above considerations, the site was zoned “C” on the OZP, which was intended primarily for commercial developments. The proposed residential development with limited commercial floor space was not in line with this planning intention. Since there was no similar application approved in the Yau Ma Tei area, the approval of the application would set an undesirable precedent for similar residential developments in the “C” zone, thereby reducing the supply of suitable commercial floor space especially in a major business and commercial/shopping district like the Yau Tsim Mong area; and
- although one similar application (No. A/K3/348) for residential and

retail development on a site in Mong Kok was approved by the Committee in 1999, the proposed development had not been pursued and the planning permission ceased to have effect on 30.7.2002. The site was subsequently developed into a commercial building in 2003.

22. With reference to Plan A-4 of the Paper, Mr. C.K. Soh, STP/TWK, responded to a Member's question and said that sites on both sides of Nathan Road, which was the main commercial spine within the Yau Ma Tei district, were zoned "C" on the OZP. The sites beyond this "C" zone and away from Nathan Road were mainly zoned "R(A)" on the OZP, which was intended primarily for high-density residential developments with commercial uses always permitted on the lowest floors of the building.

Deliberation Session

23. The Chairman said that although the proposed residential development was not expected to have adverse impact on the environment and infrastructural capacity of the area, the proposed residential development was not in line with the planning intention of the "C" zone on the OZP, which was primarily for commercial developments.

24. A Member said that there were examples in some overseas cities that sites along major roads were used for commercial activities, while the inner streets located at the back of the major roads were for residential uses. Such mixed land uses seemed to be not incompatible with each other. In addition, as Portland Street was not subject to adverse traffic noise impact and there was less demand for sites at inner streets for commercial use, this Member had no objection to the application.

25. A Member, however, held different view. This Member opined that the proposed residential development could not be supported as the proposed residential development was not in line with the planning intention of the "C" zone, which was primarily for commercial developments. Approval of the application would set an undesirable precedent for similar residential developments in the area and reduce the supply of suitable commercial floor space in the district.

26. Another Member shared the same view and said that new commercial developments such as Langham Place were built along the inner streets of the district. The sites fronting Portland Streets could fulfil the need for commercial expansion in the area. Hence, this Member considered that “C” sites facing Portland Street should be retained for commercial uses.

27. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed residential development was not in line with the planning intention of the “Commercial” zone which was intended primarily for commercial developments; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area.

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/425 Proposed Public Utility Installation (Package Substation)
in “Open Space” zone,
Government Land in D.D. 451,
Sheung Kwai Chung Tsuen Road, Sheung Kwai Chung, Tsuen Wan
(MPC Paper No. A/TW/425)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment supporting the application was received. The District Councillor of the concerned Constituency, the Chairman and Vice-chairman of the Tsuen Wan East Area Committee and the village representatives of Sheung Kwai Chung Village had been consulted. Four commenters supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper, which were summarized below:
 - the proposed package substation was required for the provision of adequate electricity supply to the existing villages (including Sheung Kwai Chung Village, Da Chuen Ping Village and Tai Pak Tin Village) and future village house development/redevelopments in the vicinity. It was considered as an essential facility to serve the local district;
 - the site was considered as the most suitable option for the proposed package substation based on a site search exercise conducted by the applicant. In addition to the site i.e. Option A as indicated in Appendix III of the Paper, the applicant had also examined the

suitability of providing the proposed package substation at four other alternative sites i.e. Options B to E as indicated in Appendix III of the Paper along Sheung Kwai Chung Tsuen Road and Tai Pak Tin Tsuen Road, which were located within areas zoned “Village Type Development” (“V”). Of those sites examined, only the application site could fulfil the provision requirements in terms of availability of vehicular access, electricity supply coverage, site gradient and local support; and

- the proposed single-storey package substation occupying an area of less than 12m² was small in scale. It was considered not incompatible with the rural character of the surrounding areas. Taking into account the small scale of the proposed package substation, it would unlikely cause significant adverse environmental, landscape and traffic impacts on the surrounding areas. Concerned government departments had no objection to or adverse comments on the application.

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

29. In response to a Member’s enquiry, Mr. K.T. Ng, STP/TWK, said that the package substation was designed to accommodate a 1000kVA transformer, a 11kV switchboard, a low voltage distribution board and associated accessories. The proposed package substation was required to provide adequate electricity supply to large areas of existing villages and future village house development/ redevelopments in the vicinity. The package substation would be connected to a fully underground system with 11kV close ring network and improve the electricity supply security and quality of electricity network at various villages.

30. In response to another Member’s enquiry, Mr. Ng said that the applicant had examined the suitability of providing the proposed package substation at four other alternative sites. The assessments on the suitability of the five options for the proposed package substation development were detailed in Appendix III of the Paper, and the site under Option A was considered most suitable for the proposed package substation.

Deliberation Session

31. 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 21.10.2015, 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 firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

32. 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 (LandsD) regarding the application to the Estate Management Section of the LandsD for approval under the relevant terms and conditions of the relevant Block Licence prior to the commencement of the proposed works and there was no guarantee that the relevant approval would be given;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that in case a tenancy was granted, then the works would be subject to the control of the Buildings Ordinance (BO) and formal submission under the BO in respect of the works for approval was required. In this connection, the applicant's attention was drawn to the following issues:
 - emergency vehicular access under the Building (Planning) Regulation (B(P)R) 41D, or otherwise deemed appropriate;
 - if there was no specified street abutting the subject site, maximum site coverage and plot ratio of the building should be determined by the Building Authority in accordance with the B(P)R 19(3); and

- provision of access to the building as per the B(P)R 5;
- (c) 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 and referral from the relevant licensing authority. Furthermore, the emergency vehicular access provision at the site should comply with the standard stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D;
- (d) to note the comments of the Director of Health that according to the World Health Organization (WHO), it was important to comply with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998). With the compliance with the guidelines, exposure to extremely low frequency electromagnetic fields such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. Verification of actual compliance with the International Commission on Non-Ionising Radiation Protection guidelines, by the project owner or the Electrical and Mechanical Services Department as the regulator, was advisable upon the commissioning of the package substation;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Besides, with regard to the compliance with relevant design and safety standards, the applicant had to comply with all relevant statutory regulations and ordinances for the design and operation of the electricity package substation; and
- (f) to note the comments of the Chief Town Planner/Urban Design &

Landscape, Planning Department that screen planting for the proposed development was highly advisable and the applicant was advised to make sure that no trees would be disturbed or damaged during the construction works of the utility installation.

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

Hong Kong District

[Ms. Kitty S.T. Lam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the
Draft Chai Wan Outline Zoning Plan No. S/H20/18
(MPC Paper No. 17/11)

Presentation and Question Sessions

33. With the aid of a powerpoint presentation, Ms. Kitty S.T. Lam, STP/HK, presented the proposed amendments and covered the following aspects as detailed in the Paper :

Background to the Proposed Amendments

- (a) the Area Assessments of Industrial Land in the Territory 2009 (the Area Assessments) was considered by the Town Planning Board (the Board) on 17.9.2010. It had been highlighted in the Area Assessments that there were a number of undeveloped sites, mostly under temporary uses, located

to the north of the Chai Wan Cargo Handling Area. In view of the demand for the provision of new territorial/regional government, institution and community (GIC) facilities and sites for relocating certain GIC facilities currently occupying prime sites in the main urban areas, the Area Assessments had recommended that consideration could be given to rezoning these industrial sites for “G/IC” use;

Proposed Amendments to the OZP

- (b) rezoning amendments located to the sites north of the Chai Wan Cargo Handling Area, which were detailed in paragraph 3 of the Paper, were summarized below:

Item A1- Rezoning of Eight “I” Sites to “G/IC” (about 6.7ha)

- Sites 2 and 4 were currently occupied by the Government Logistics Centre and 132kV electricity substation respectively. To reflect the completed developments and the planning intention for retaining these uses in the long term, it was proposed to rezone these two sites from “I” to “G/IC”;
- Sites 1, 3, 6 and 8 were currently under Short Term Tenancies (STTs) for a waste materials recycling workshop, a fee-paying carpark, and depots of the New World First Bus Services Limited and CityBus Services Limited respectively. For Site 7 and part of site 9, they were under temporary government land allocations;
- all the eight sites were proposed to be rezoned from “I” to “G/IC” to form a cluster of low to medium-rise GIC facilities in this waterfront area;

Item A2- Rezoning of a Site from “I” to “O”(about 1.2ha)

- in view of its close proximity to the residential development of the

nearby Tsui Wan Estate, the existing “I” site at Wing Tai Road/Sheung Ping Street/Sheung On Street i.e. Site 10, was proposed to be rezoned from “I” to “O”;

Item B1- Rezoning of a Site from “O” to “G/IC”(about 5,035m²)

- a site at Shing Tai Road/Shing Mau Street/Sheung Tat Street i.e. Site 5 was proposed to be rezoned from “O” to “G/IC” for a proposed headquarters of the Correctional Services Department, which formed part of the proposed GIC cluster for low to medium-rise developments;
- (c) other rezoning amendments to the OZP, which were detailed in paragraphs 4 and 5 of the Paper, were summarized below:

Item B2- Rezoning of an Area at the Junction of Siu Sai Wan Road and Sun Yip Street from “O” to “G/IC” (about 537m²)

- a site at the junction of Siu Sai Wan Road and Sun Yip Street was proposed to be rezoned from “O” to “G/IC” to form a larger site with adjacent proposed ambulance depot site so as to accommodate the proposed run-in/out of the ambulance depot;

Item C- Deletion of a Site zoned “OU” annotated “Pier” (“OU(Pier)”) (about 1,771m²)

- a sea area zoned “OU(Pier)” had been incorporated into the OZP since 1993 and was intended for improving the external transport of the Siu Sai Wan reclamation area at that time. With the provision of public transport services by the existing public transport terminus at the Island Resort development, the Commissioner for Transport had advised that there was no further need to introduce ferry services to this area. It was therefore proposed to delete the sea area zoned “OU(Pier)” from the OZP;

Item D- Inclusion of an Area to the West of the Existing Planning Scheme Area (about 3ha)

- an area to the west of the existing planning scheme area of the Chai Wan OZP fell outside both the Tai Tam Country Park and the OZP boundary. The subject area was a piece of government land on a slope covered by natural vegetation. To achieve better planning control with a view to preserving the existing vegetation and natural topography, it was proposed to extend the planning scheme boundary of the OZP to include the area and zone it as “Green Belt”. Directive from the Secretary for Development, under the delegated authority of the Chief Executive, was given on 23.4.2010 to extend the planning scheme boundary of the Chai Wan OZP to include this area;

Proposed Amendments to the Notes and Explanatory Statement of the OZP

- (d) it was proposed to delete the Schedule of Use for the “OU(Pier)” zone from the Notes of the OZP. The Explanatory Statement (ES) had been revised to take into account the proposed amendments as mentioned above. Opportunity had also been taken to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP;

Departmental Consultation and Public Consultation

- (e) the proposed rezoning of various sites had been circulated to relevant government departments for comments and the comments of relevant government bureaux/departments had been taken into account, where appropriate; and
- (f) due to the forthcoming District Council election on 6.11.2011, the Eastern District Council (EDC) would have no further meeting until early 2012. As such, it would not be possible to formally consult the EDC during the

exhibition period of the amendments to OZP. The amendments would be circulated to the EDC Members after the election and before the end of the exhibition period. Local consultation forum or briefing could also be arranged upon request.

34. A Member enquired whether the objective of creating a quality waterfront setting to the north of the Chai Wan Cargo Handling Area had been taken into account in proposing amendments to the OZP. In response, Ms. Kitty S.T. Lam, STP/HK, said that the sites proposed to be rezoned from “I” to “G/IC” would be used to accommodate government facilities. In commenting on the development restrictions and design of these government projects, their respective project proponents would be advised to enhance the waterfront setting by providing measures like provision of setback within the sites, suitable landscape treatment and well designed building façade taking into account the characteristics of the individual sites.

35. In response to another Member’s enquiry, Ms. Kitty Lam said that rezoning of the industrial sites to the north of the cargo handling basin from “I” to “G/IC” would not affect the operation of the cargo handling activities in the area.

36. A Member enquired whether there was any intention to rezone the site at the junction of Sheung Mau Street and Sheung On Street from “Other Specified Uses” annotated “Petro Filling Station” (“OU(PFS)”) to “G/IC”. In response, Ms. Kitty Lam said that the planning intention of “OU(PFS)” was primarily for the provision of a petrol filling station to serve the need of users in this industrial area, and there was an existing petrol filling station operating on the site. There was no intention to re-locate the petrol filling station and thus the zoning of the site would be retained as “OU(PFS)”.

37. The same Member referred to the existing open space at the waterfront of Siu Sai Wan and said that consideration should be given to providing a similar waterfront open space in Chai Wan. This Member suggested to designate a 15m-wide strip of land within the sites, which were proposed to be rezoned from “I” to “G/IC”, and zoned them as “O”. In response, Ms. Kitty Lam said that an existing “I” site at Wang Tai Road/Sheung Ping Street/Sheung On Street, i.e. Site 10 was proposed to be rezoned from “I” to “O”, to provide local open space for the residents and workers in the area. Ms. Kitty Lam also pointed out

that each of the GIC sites was of different size and configuration and such requirements would pose constraints to the design of the future developments within the GIC sites. Nevertheless, Ms. Kitty Lam opined that suitable landscape treatment and innovative design elements in the future developments within the GIC sites would enhance the waterfront setting.

38. The Secretary said that instead of designating strips of land within the GIC sites as “O”, other alternative measures such as those mentioned by Ms. Kitty Lam would also serve similar purpose. To take account of the concern raised by Members, the Committee could consider setting out in the ES of the OZP on the need to enhance the waterfront setting within the GIC sites. Members agreed.

39. In response to another Member’s views, Ms. Kitty Lam said that PlanD would liaise with the Secretariat of the Harbourfront Commission on the need to consult the Commission on the proposed amendments to the OZP.

(Post-meeting Note: The Secretariat of the Harbourfront Commission advised that Chai Wan was outside the area of responsibility of the Commission.)

40. Mr. Frankie Chou of the Home Affairs Department enquired about the timetable for consulting the EDC. He said that as the EDC would not have further meeting until February 2012, the new EDC members could not pass their comments or submit representations on the amendments to the OZP during the plan exhibition period. Ms. Kitty Lam said that although a formal consultation during the plan exhibition period could not be arranged during the election period, the amendments would be circulated to the EDC members after the election and before the end of the plan exhibition period. Moreover, local consultation forum or briefing could be arranged upon request.

41. The Chairman said that as a good administration practice, consultation with the District Councils should be undertaken during the gazetting of the OZP. Should there be a mis-match between the plan exhibition period and the meeting dates of the District Councils, the respective District Planning Officer would work out the best strategy for public consultation and gauge the views of the District Council members. In this connection, the Chairman suggested that Planning Department could liaise with the Assistant District Officer

(Eastern) to arrange consultation with members of the sub-committees or area committees of the EDC.

42. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Chai Wan OZP No. S/H20/18 and that the draft Chai Wan OZP No. S/H20/18A at Attachment I of the Paper (to be renumbered to S/H20/19 upon exhibition) and its Notes at Attachment II of the Paper were suitable for exhibition under section 7 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment III of the Paper for the draft Chai Wan OZP No. S/H20/18A as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zones on the Plan and the revised ES would be published together with the Plan.

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

[Mr. Frankie Chou left the meeting at this point.]

[Ms. April K.Y. Kun, STP/HK, was invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/404 Proposed Hotel (Conversion of an Existing Office Building)
in "Residential (Group A) 7" zone,
202-204 Des Voeux Road West, Sai Ying Pun
(MPC Paper No. A/H3/404A)

Presentation and Question Sessions

43. With the aid of a powerpoint presentation, Ms. April K.Y. Kun, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (conversion of an existing office building);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, seven public comments were received objecting to the application mainly on traffic grounds. The commenters raised concern about the traffic capacity of Des Voeux Road West and commented that the Traffic Impact Assessment (TIA) failed to consider the cumulative impact of approved and permitted developments in the area. There were no loading/unloading facilities proposed for the hotel, which would bring adverse traffic impact on Des Voeux Road West/Kwai Heung Street and the area. There were also concerns about the over development of hotels in Sai Ying Pun; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper, which were summarized below:
 - the application site was located within an area with a mixture of commercial and residential developments. The proposed hotel was considered not incompatible with the surrounding developments in terms of land use;
 - it had been the Town Planning Board’s established practice since mid-2007 to approve hotel applications at suitable locations within the “Residential (Group A)” (“R(A)”) zone on Hong Kong Island up

to a plot ratio (PR) of 12 as such development intensity was considered generally compatible with residential developments with permitted PR of 8 to 10. Applications for hotel development within “R(A)” zone with PR higher than 12 were generally rejected except for cases involving amendments to a previously approved scheme or in-situ conversion of an existing commercial/office building to hotel use;

- the subject application was for in-situ conversion of an existing office building involving about 2,228.419m² of gross floor area (GFA) (PR 13.91) for hotel use. There was no change in the physical bulk of the existing building. The proposed conversion for hotel use was not expected to cause any adverse visual impact on the surrounding areas. To ensure that the proposed conversion would not result in an increase in the physical bulk of the existing building, an approval condition to stipulate the maximum GFA of 2,398.1m² (which included about 169.68m² for the back-of-house facilities and plant rooms) for the proposed hotel was recommended in paragraph 12.2(a) of the Paper, should the application be approved by the Committee; and

- the proposed hotel only had 38 guestrooms with no car parking and loading/unloading facilities. The site was within walking distance of the future Sai Ying Pun Mass Transit Railway Station. In this regard, the Commissioner for Transport (C for T) and Commissioner of Police had no comment on the application from the traffic point of view. Moreover, the proposed hotel would unlikely generate adverse visual, environmental and sewerage impacts on the area. Concerned government departments had no objection to or adverse comments on the application. Regarding the public concerns on traffic impact of the proposed hotel development, C for T had no comment on the TIA and the proposed hotel development from traffic engineering point of view.

44. Members had no question on the application.

Deliberation Session

45. 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 21.10.2015, 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 proposed hotel development was subject to a maximum gross floor area (GFA) of 2,398.1m². Any floor space that was constructed or intended for use as plant rooms and back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in the GFA calculation;
- (b) the submission of a revised Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (e) the provisions of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development would be

granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession for the non-domestic PR of the development was not granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department regarding the requirements laid down under the Practice Notes for Authorized Persons - Application of the Buildings Ordinance and Regulations No. 40 (PNAP APP-40);
- (c) to note the comments of the Commissioner for Transport that the Government reserved the right to impose necessary traffic management measures and there was no guarantee of loading/unloading space on public road in vicinity of the frontage of the site;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape planting should be provided at ground level and on flat roofs, as well as to explore the opportunities for other greening provisions;
- (e) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements for hotel use; and
- (f) to note the comments of the Director of Fire Services regarding the requirement for compliance with the Code of Practice for Means of Access for Firefighting and Rescue.

[The Chairman thanked Ms. April K.Y. Kun, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[A short break of 5 minutes was taken at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H11/99 Proposed Minor Relaxation of Plot Ratio Restriction from 5 to 5.1
and Building Height Restriction from 230mPD to 240.15mPD
in “Residential (Group B)” zone,
23, 25, 27D, E and F Robinson Road, Mid-levels West, Hong Kong
(MPC Paper No. A/H11/99C)

47. The Secretary said that the application was submitted by Superich Consultants Ltd. and Express Hero Ltd., which were the subsidiaries of Henderson Land Development (HLD). The following Members had declared interests in this item:

- | | |
|-------------------------|--|
| Mr. Raymond Y.M. Chan | - had current business dealings with HLD; and |
| Mr. Clarence W.C. Leung | - being the director of a NGO that had recently received a private donation from a family member of the Chairman of HLD. |

As the applicants had requested for a deferment of consideration of the application, Members decided that Messrs Chan and Leung could be allowed to stay in the meeting.

48. The Secretary reported that on 17.10.2011, the applicants’ representative wrote to the Board and requested the Board to defer the consideration of the application for two months in order to allow time for the applicants to assess the Transport Department’s suggestion to relocate the ingress/egress point for the proposed development.

49. 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 for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months, i.e. a total of six months including the previous two deferments were allowed for the preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/H14/69 Proposed Access Road for House Development in “Green Belt” zone,
Government Land adjacent to 47 Barker Road, The Peak Area
(MPC Paper No. A/H14/69A)

50. The Secretary reported that on 19.8.2011, an application was received seeking planning permission for a proposed access road at the application site to serve an adjoining proposed 4-storey house development at 47 Barker Road. On the same day, an application (No. A/H14/70) was received seeking planning permission for minor relaxation of the plot ratio restriction from 0.5 to 0.545 for the aforesaid house development. The two applications were originally scheduled for consideration by the Committee on 7.10.2011. On 23.9.2011, the applicant’s representative wrote and requested the Town Planning Board to defer the consideration of the two applications by one meeting to allow more time for the applicant to address the comments from various government departments. On 7.10.2011, the Committee agreed to defer a decision on the applications to the meeting on 21.10.2011. Upon submission of further information which was not exempted from publication and recounting requirements, the date of consideration of the application (No. A/H14/70) by the Committee was rescheduled to 2.12.2011.

51. The Secretary stated that as the proposed access road under the subject application was primarily to serve the adjoining proposed house development under application (No. A/H14/70), the Planning Department (PlanD) recommended that, instead of considering the subject application at this meeting, it would be more appropriate for the Committee to defer a decision on this application to the same meeting as that for application (No. A/H14/70), i.e. 2.12.2011.

52. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee also agreed that the application should be submitted to the Committee for consideration at the meeting on 2.12.2011.

Kowloon District

[Mr. Stephen C.Y. Chan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/12 Proposed Office in “Comprehensive Development Area” zone,
Flat 5, Lower Ground Floor, Newport Centre Phase II,
116 Ma Tau Kok Road, To Kwa Wan, Kowloon
(MPC Paper No. A/K22/12)

Presentation and Question Sessions

53. With the aid of a powerpoint presentation, Mr. Stephen C.Y. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed “Office” use was considered not incompatible with the existing industrial-related offices and warehouses within the same building. It was also considered not incompatible with the commercial/retail uses at

the G/F of the surrounding developments, and was not expected to cause adverse impact on the surroundings. Concerned government departments had no objection to or adverse comments on the application.

54. Members had no question on the application.

Deliberation Session

55. 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 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire service installations in the subject premises before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; 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.

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

- (a) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that an Authorized Person should be appointed to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular:
 - adequate provisions of means of escape in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for the Provision of Means of Escape in Case of Fire;
 - the subject premises should be separated from the remaining portion

of the building with walls and floors of adequate fire resisting period pursuant to Building (Construction) Regulation 90 and the Code of Practice for Fire Resisting Construction;

- provision of access and facilities for persons with a disability in accordance with B(P)R72;
 - adequate provision of natural lighting and ventilation in accordance with B(P)Rs 30 and 31; and
- (b) to apply to the Lands Department for compliance with the lease conditions for the proposed use at the subject premises.

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

[Mr. Silas K.M. Liu, STP/K, was invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/660 Proposed Hotel in "Other Specified Uses" annotated "Business" zone,
97 How Ming Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/660)

Presentation and Question Sessions

57. With the aid of a powerpoint presentation, Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, two public comments were received. Both of them raised objection to the application mainly on traffic grounds. One of the commenters also raised objection to the application as there was no information on whether there was any need for land premium; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed hotel was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone, which was to encourage development of new buildings or redevelopment/conversion of the whole buildings for commercial and clean industrial uses. The proposed development was for redeveloping the application site to a hotel with a plot ratio of 12 and a building height of 98mPD which did not exceed the restrictions on the Outline Zoning Plan. The proposed hotel was generally in line with the Town Planning Board Guidelines No. 22D for ‘Developments within “OU(Business)” Zone’ in that it was compatible with the surrounding land uses. It would help improve the existing urban environment and phase out the current industrial uses within the “OU(Business)” zone. In support of the application, the applicant had submitted relevant technical assessments including environmental assessment (EA), drainage, sewerage and water impact assessment and traffic impact assessment (TIA) to demonstrate that the proposed hotel development would not have any adverse environmental, sewerage and traffic impacts on the surrounding area. The applicant had also demonstrated in the EA that through the provision of central air-conditioning system and fixed glazing, the proposed hotel development would not be subject to adverse air quality and noise impacts from the surrounding industrial activities, road networks and land use. As regards the public comments on the possible traffic impacts, the Commissioner for Transport had no objection to the application and had no adverse comments

on the TIA submitted by the applicant.

58. In response to a Member's question, Mr. Silas K.M. Liu, STP/K, said that for proposals involving dedication of land for public passage and surrender of land for street widening would be entitled to bonus gross floor area under Building (Planning) Regulation, and any such claim would be duly considered by the Building Authority in the building plan submission stage.

Deliberation Session

59. 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 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of parking facilities, loading/unloading spaces, lay-bys, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of the local sewerage upgrading/ sewerage connection works identified in the sewerage impact assessment in condition (c) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

60. The Committee also agreed to advise the applicant of the following :
- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification for the proposed hotel use at the subject site;
 - (b) to liaise with the District Lands Officer/Kowloon East, Lands Department on the shared-use of the existing right of way serving the adjoining lot, KTIL 505 R.P.;
 - (c) to note the comments of the Director of Fire Services that arrangement on Emergency Vehicular Access (EVA) should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department (BD);
 - (d) to note the comments of the Chief Building Surveyor/Kowloon, BD that :
 - subject to compliance with the criteria under Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40, the application for hotel concession under Building (Planning) Regulation 23A would be considered upon formal submission of building plans; and
 - Practice Notes for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151 on “Building Design to Foster a Quality and Sustainable Built Environment” and APP-152 on “Sustainable Building Design Guidelines” were applicable to all new building plans for development proposals submitted to the Building Authority for approval on or after 1 April 2011;
 - (e) to consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/661 Proposed Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Units B1 and B2, G/F, Good Year Industrial Building,
 119-121 How Ming Street, Kwun Tong, Kowloon
 (MPC Paper No. A/K14/661)

61. The Secretary said that the application was submitted by China Best Corporation Limited represented by Traces Limited. Ms. Julia M.K. Lau had declared an interest in this item as she was a shareholder of Traces Limited. The Committee agreed that the interest of Ms. Lau was direct and she should be invited to leave the meeting temporarily.

[Ms. Julia M.K. Lau left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, two public comments were received. One commenter had no objection to the application provided that the applied use did not contravene the lease conditions, and the applicant should comply with the requirements of relevant government departments; and permission for a definite period on a temporary basis might be granted, if necessary. The other commenter had raised objection to the application

for the reasons that the increase of traffic and patronage from the proposed use would worsen the conflicts between pedestrians and vehicles; no food and beverages should be allowed as it might bring about hygiene issues; and the heat and possible water leakage from the air-conditioning system would affect others; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the proposed ‘Shop and Services’ use would not induce adverse fire safety and environmental impacts. The proposed ‘Shop and Services’ use at the application premises was considered generally in line with the planning intention. Similar applications for ‘Shop and Services’ use had been approved for other units on the G/F of other industrial buildings in the vicinity. The proposed ‘Shop and Services’ use at the application premises complied with the Town Planning Board Guidelines No. 22D for ‘Development within the “OU(Business)” Zone’ in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no objection to the application. Should the Committee approve the application, the total commercial floor area on the G/F of the subject building would be 216.43m², which was within the maximum permissible limit of 460m² on the G/F of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application. As regards the public comments on the possible traffic impacts and environmental hygiene issues, the Director of Food and Environmental Hygiene and Commissioner for Transport had no comments on the application.

63. Members had no question on the application.

Deliberation Session

64. 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 21.10.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of 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, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition was not complied with before the operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the shop and services use at the application premises;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) to appoint an Authorised Person to submit alterations and additions proposal for the proposed change in use/alteration and addition works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance, including :
 - the provision of 2 hours fire resisting separation wall/floor between the application premises and the remaining portion of the existing building in accordance with Building (Construction) Regulation 90 and paragraphs 8 and 9 of the Code of Practice for Fire Resisting

Construction 1996;

- the provision of access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
 - the applicant should also pay attention to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA had no powers to give retrospective approval or consent for any unauthorized building works;
- (c) to note the comments of the Director of Fire Services that the applicant should :
- comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by BD; and
 - observe the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures of Commercial Uses in Industrial Premises' issued by the TPB.

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/K9/245 Proposed Eating Place, Hotel and Shop and Services
 (In-situ Conversion of an Existing Hotel)
 in “Residential (Group A) 4” zone,
 69 Gillies Avenue South, Hung Hom, Kowloon
 (MPC Paper No. A/K9/245)

66. The Secretary reported that on 22.9.2011, the applicant’s representative requested the Board to defer the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address the comments from the Transport Department.

67. 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 for its 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 15

Any Other Business

68. There being no other business, the meeting closed at 11 a.m..