

TOWN PLANNING BOARD

**Minutes of 454th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 18.11.2011**

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

Mr. Maurice W.M. Lee

Professor P.P. Ho

Professor C.M. Hui

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Professor S.C. Wong

Ms. L.P. Yau

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

Assistant Director(2), Home Affairs Department
Mr. Eric K.S. Hui

Assistant Director (Environmental Assessment) (Atg.),
Environmental Protection Department
Mr. H.M. Wong

Assistant Director/Kowloon, Lands Department
Ms. Olga W.H. Lam

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

Secretary

Absent with Apologies

Ms. Maggie M.K. Chan

Ms. Julia M.K. Lau

Dr. Winnie S.M. Tang

Mr. Laurence L.J. Li

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. Polly O.F. Yip

Agenda Item 1

Confirmation of the Draft Minutes of the 453rd MPC Meeting held on 4.11.2011

[Open Meeting]

1. The draft minutes of the 453rd MPC meeting held on 4.11.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K11/2 Application for Amendment to the
Approved Tsz Wan Shan, Diamond Hill and San Po Kong
Outline Zoning Plan No. S/K11/25
from “Residential (Group A)” to “Open Space”,
a site to the east of Rhythm Garden, San Po Kong, Kowloon
(MPC Paper No. Y/K11/2)

Presentation and Question Sessions

3. Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mr. Richard Y.L. Siu, Senior Town Planner/Kowloon (STP/K) of the Planning Department (PlanD) were invited to the meeting at this point :

4. The applicant, Mr. Lee Tat Yan, and the following applicant's representatives were also invited to the meeting at this point :

Mr. Chan Chin Hung
Ms. Lam Sau Tsz
Ms. Cheung Sui Fa
Mr. Tang King Kwong
Ms. Leung Yau Sang
Ms. Siu So Lan
Ms. Cheng So Kum
Mr. Wan Chi Wing
Ms. Cheng Po Ngan
Ms. Cheung Lai Heung
Ms. Chiu Cheuk Ying
Ms. Tung Yin Hing
Ms. Tam Lai Ying

5. The Chairman extended a welcome and explained the procedures of the hearing. Mr. Richard Y.L. Siu, STP/K, was then invited to brief Members on the background of the application. Mr. Siu reported that a replacement page for page 10 of the Paper had been distributed for Members' information before the meeting. With the aid of a powerpoint presentation, Mr. Siu presented the application and covered the following main points as detailed in the Paper :

Proposed Rezoning

- (a) the applicant proposed to rezone the application site from "Residential (Group A)" ("R(A)") to "Open Space" ("O") on the approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/25;

Background

- (b) the application site was bounded by Choi Hung Road, the flyover to Tate's Cairn Tunnel and Prince Edward Road East. It was situated between Rhythm Garden, a PSPS development, and Choi Hung Bus Terminus;

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

- (c) the site of Rhythm Garden was located to the west of the application site. It formed part of the ex-Blackdown Barracks, which was zoned “Other Specified Uses” annotated “Military Camp” (“OU(Military Camp)”) on the OZP before June 1997. A planning consultancy study, ‘Redevelopment of Military Sites in Kowloon’, was conducted in 1995 to ensure that the redevelopment of military sites would be compatible with the environment and would not overstrain the infrastructure. The ex-Blackdown Barracks site was proposed to accommodate a primary school, a bus terminus, a Private Sector Participation Scheme (PSPS) development, and a buffer area between the PSPS development and San Po Kong industrial area. The eastern portion of the ex-Blackdown Barracks site was proposed for residential development (as indicated in Appendix II of the Paper);
- (d) under the ‘South East Kowloon Development Feasibility Study’ (SEKDFS), a Trunk Road T1 flyover was proposed to link up the Tate’s Cairn Tunnel with the South East Kowloon. The proposed alignment of T1 encroached onto the eastern portion of the ex-Blackdown Barracks site (as indicated in Appendix III of the Paper);
- (e) in June 1997, the ex-Blackdown Barracks site was rezoned from “OU(Military Camp)” to “Government, Institution or Community” (“G/IC”), “O” and “R(A)” to reflect the findings of the consultancy study on the then OZP No. S/K11/8. The “R(A)” zone was to facilitate the PSPS development. As the implementation programme of the proposed T1 was uncertain at that time, the road reserve area in the eastern portion of the site was included as part of the “R(A)” zone;
- (f) during the preparation of the tender documents for the sale of the “R(A)” site for the PSPS development, the Housing Department (HD) requested to excise the road reserve area for T1 from the PSPS development to minimise uncertainty. The road reserve area was designated as ‘Yellow Areas’ on

the Conditions of Sale. The ‘Yellow Areas’ would be maintained and managed by the owners of Rhythm Garden until such time as the possession of the ‘Yellow Areas’ had been re-delivered to the Government on demand;

- (g) the application site comprised the “Yellow Areas” currently managed and maintained by the owners of Rhythm Garden, an unleased government land and a Government Land Allocation to the Highways Department for switch/transformer rooms (as indicated in Plan Z-3 of the Paper);

Departmental Comments

- (h) the departmental comments were detailed in paragraph 9 of the Paper and highlighted below :

- (i) the District Lands Officer/Kowloon East (DLO/KE, LandsD) advised that the ‘Yellow Areas’ currently managed and maintained by the owners of Rhythm Garden (as indicated in Plan Z-3 of the Paper) under the Conditions of Sale was designated with the intention that it would be re-possessed by the Government under the lease when it was required for the road project. He raised objection to the proposed rezoning on the understanding that the site was capable of being developed for “R(A)” development;

- (ii) the Director of Leisure and Cultural Services (DLCS) advised that as there was a surplus in the provision of open space in Wong Tai Sin, there was no priority in taking up more open space or no imminent need to develop the site as open space. Given the rezoning proposal would have far reaching impact on the provision of leisure facilities and residential area in the district, prior support from the Wong Tai Tin District Council (WTSDC) should be secured;

- (iii) the Project Manager (Kowloon), Civil Engineering and Development Department (CEDD) advised that the Trunk Road T1

previously proposed under SEKDFS was subsequently abandoned;

- (iv) the Chief Engineer/Railway Development (1-3), Railway Development Office, Highways Department (CE/RD1-3, RDO, HyD) advised that the proposed Sha Tin to Central Link (SCL) tunnels would run underneath the application site. The site was required for the construction of the SCL tunnels from February 2013 to the fourth quarter of 2016. Subject to the final alignment of the SCL tunnels, part of the site could be used for future development;
- (v) the Director of Housing (D of H) commented that about half of the application site (about 0.4 ha) could still be used for development despite the SCL tunnels would run underneath. In view of the acute shortage of land for public housing, the site which was located in a residential setting could be developed for public housing subject to addressing the major technical constraints of substantial traffic noise/emission arising from the adjacent roads; and
- (vi) the Director of Environmental Protection advised that the site was bounded by heavy trafficked roads and was subject to significant traffic noise and emission problems. The site was also adjacent to the existing Choi Hung Bus Terminus (a major noise emitter identified under the Hong Kong Planning Standards and Guidelines (HKPSG)). If the site was used for residential development, it would likely cause complaints due to the noise nuisance. Given the severity of the traffic noise impact and the elongated shape of the site, mere building setback was not practicable to alleviate the potential noise impact. Even with a combination of very demanding noise mitigation measures, it would be still very difficult to meet the HKPSG's road traffic noise criterion of 70dB(A). The rail tracks of the proposed SCL tunnels which would likely run through the site would add constraints in the building layout design, which might further limit the options for effective noise mitigation measures. Residential use at the site was highly undesirable and

non-sensitive uses were more preferable from the environmental planning perspective;

Public Comments

(i) during the statutory publication period, a total of 398 public comments were received. 395 comments supported the application, two comments objected to the application and one comment was not related to the application. The comments received were summarised below :

(i) 385 supporting comments were in standard forms from the residents of Rhythm Garden and 10 were individual comments from the Wong Tai Sin Area Committee, the Incorporated Owners of Man Yee Building, the San Po Kong Residents' Association, the Incorporated Owners of Yan Oi Building, the Chairman of East Kowloon Residents' Association, the Chairman of East Kowloon Youth Society and four individuals. They supported the application mainly on the following grounds :

- to provide more open space for the benefits of the residents in the area;
- the site was not suitable for residential development as the SCL tunnels would run underneath and it was too close to the flyover to Tate's Cairn Tunnel;
- rezoning the site to "O" could help establish a breezeway to ex-Tai Hom Village site;
- to avoid 'walled' development on the site;
- the site could be used for community facilities including libraries and municipal buildings and cycling park;
- any development would affect the air ventilation and natural lighting penetration;

- more greening should be provided to minimise the impact of polluted air and dust;
 - to protect the trees on the site; and
 - to provide buffer area between Rhythm Garden, the flyover to Tate's Cairn Tunnel and the bus terminus in order to minimise the traffic emission and noise;
- (ii) the two individuals objected to the application mainly on the grounds that the land resources in urban areas were scarce and the site should be retained for residential use. The site was not suitable for open space in view of the polluted air generated from the bus terminus and the flyover to Tate's Cairn Tunnel as well as its limited accessibility; and

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

PlanD's Views

- (j) PlanD did not support the application based on the assessments set out in paragraph 11.2 of the Paper which were summarised below :
- (i) there were sufficient open space provisions for the Kowloon Planning Area No. 11 covering the site as well as the Wong Tai Sin District. DLCS indicated that there was no priority in taking up more open space or no imminent need to develop the area as open space. In terms of spatial distribution of open space, a number of "O" sites had been designated in the close proximity of Rhythm Garden on the OZP, including the northern part of the ex-San Po Kong Flatted Factory (SPKFF), Kai Tak East Playground and the open space along Sze Mei Street. According to the 'Planning Consultancy Study for San Po Kong Flatted Factory' completed by the Housing Department (HD) in 2010, these 'O' sites would be

developed as one package with the planned public housing development in the southern part of the ex-SPKFF site, which was zoned “Residential (Group E)” (“R(E)”) on the OZP (as indicated in Appendix VI of the Paper). As such, there was no imminent need to designate additional open space;

- (ii) the site had long been part of the “R(A)” zone. According to the recommendation of the study entitled, ‘Redevelopment of Military Sites in Kowloon’, which was conducted by PlanD in 1995, the eastern portion of the ex-Blackdown Barracks site was considered suitable for residential development and was subsequently rezoned to “R(A)” in 1997. Development of the application site was held up because of the uncertainty of the proposed Trunk Road T1;
- (iii) despite the development constraints that the proposed SCL tunnels running underneath the site might restrict the building construction above ground and the site was subject to traffic noise and emission from adjacent roads, it was not infeasible for residential development. CE/RD1-3, RDO, HyD advised that part of the site not directly on top of the tunnels could still be used for development. DLO/KE, LandsD raised objection to the rezoning application on the understanding that the site was capable of being developed for residential development. D of H also expressed interest in using the site for public housing development and would address the major technical constraints of substantial traffic noise/emission arising from the adjacent roads. Unless it could be established that the technical constraints/problems were insurmountable which warranted a review of land use, the present “R(A)” zoning should be retained; and
- (iv) regarding the public comments that the site should be used for open space and greenery purpose and there were technical constraints of using the site for residential developments, the planning considerations as stated in paragraphs (i) and (iii) above were

relevant. Besides, as the site was not located along the major air paths as identified in the Air Ventilation Assessment (AVA) study, the public concerns on air ventilation and breezeway were not relevant. As for the concerns about ‘walled’ development and tree preservation on the site, these would be taken into account when the site was developed for residential purposes.

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

6. Mr. Eric C.K. Yue, DPO/K, reported that just before the meeting, the applicant had submitted a letter, which was signed by 14 WTSDC members, to the Town Planning Board and a copy of the letter was tabled at the meeting for Members’ reference. In the letter, the concerned WTSDC members expressed their support to the application as there was insufficient provision of open space in the vicinity of Rhythm Garden. Moreover, there would be an increase in demand for open space due to the population increase from the future development of the ex-SPKFF site and ex-Tai Hom Village site for residential use. The rezoning of the site to “O” could meet the increase in demand for open space. As no WTSDC meeting would be held in the interim, the letter, which was signed by the concerned WTSDC members, also served to address DCLS’s concern that the rezoning proposal should obtain the prior support from WTSDC.

7. The Chairman then invited the applicant to elaborate on the rezoning application. With the aid of a powerpoint presentation, Mr. Lee Tat Yan made the following main points :

- (a) to prevent the re-occurrence of ‘Mei Foo Sun Chuen incident’ in Rhythm Garden, i.e. the developer proposed an infill development in front of the existing residential buildings which would block the air ventilation, a decision on the future land use of the site should not be determined solely by the Government or the developers. Early involvement of the local community was required;
- (b) the “R(A)” zoning of the site was one of the recommendations of the study ‘Redevelopment of Military Sites in Kowloon’ which was conducted by PlanD in 1995. Most of the recommendations of this study had been

implemented and the remaining recommendations were outdated. For example, the proposed Trunk Road T1 had already been abandoned;

- (c) according to the model of Kai Tak Development Area in the Hong Kong Planning and Infrastructure Exhibition Gallery (HKPIEG), the site was an open space covered by trees;
- (d) the site was adjacent to a bus terminus and roads with heavy traffic. Rhythm Garden had suffered from severe noise and air pollution for many years. The environmental mitigation measures were not effective and could not meet the criteria as stipulated in HKPSG. DEP also pointed out that the site was not suitable for residential development. The proposal of the Transport and Housing Bureau for public housing development at the site was contradictory to the Government's policy initiative of developing Hong Kong as a quality city with quality of life;
- (e) the SCL tunnels would run through the site and there was only 0.4 ha of land that could be used. This strip of land could not be developed to a scale similar to Rhythm Garden. As the site available for development would be narrow and elongated in shape, it was likely that 'wall building' would be developed on the site;
- (f) rezoning of the site to "O" would provide more open space to meet the demand due to the population increase from the future development of the ex-SPKFF site and ex-Tai Hom Village site for residential use. This could provide a buffer area between the existing flyover/Choi Hung Bus Terminus and Rhythm Garden. Moreover, this would bring along planning gain. The trees within the site could also be preserved. EPD and the Urban Design and Landscape Unit of PlanD also considered that the site should be used for non-sensitive use and they did not object to the rezoning proposal;
- (g) in assessing the demand for open space, PlanD had not taken into account the population increase from the future development of the ex-SPKFF site

and ex-Tai Hom Village site for residential use;

- (h) in considering the provision of open space and its spatial distribution, PlanD had not taken into account the latest developments proposed within the community. The Tung Wah Group Hospitals (TWGHs) proposed to rezone the northern portion of the ex-SPKFF site (with an area of about 9,500m²) to “G/IC” zone for the development of the TWGHs holistic centre for youth development. The proposal had obtained the support from WTSDC. The rezoning of the site to “O” (about 8,350m²) could compensate the reduction in open space to be provided in the ex-SPKFF site; and
- (i) about 86.2% of the population in Wong Tai Sin were living in public rental housing, Home Ownership Scheme, PSPS, Sandwich Class Housing, while the remaining 13.8% were living in private housing. In assessing the future land use of the site, PlanD had only taken account of the proposal put forth by HD and ignored the imbalance between public and private housing population in the district. If the population in Choi Hung Estate, the public housing estates under construction in the Kai Tak Development Area, the planned public housing developments in the ex-SPKFF site and the application site were taken into account, the imbalance would be even worse. This would increase the burden on the infrastructure and community facilities.

8. Mr. Leung Yau Sang said that he lived in Block 2 of Rhythm Garden and had been severely affected by the traffic noise problem. He supported the rezoning proposal of the applicant. Mr. Chan Chin Hung, reiterated the point that according to the model of Kai Tak Development Area in HKPIEG, the site was covered by trees. In response, Mr. Eric C.K. Yue said that the model only reflected the current condition of the site which was vacant and partly covered by trees. The site was zoned “R(A)” on the OZP.

9. Noting that there were two plans showing the site and the nearby areas in Appendices II and VI of the Paper, a Member enquired about the background and the planning proposals as shown in the two plans. Mr. Eric C.K. Yue explained that Appendix

It was the layout plan for redevelopment of the ex-Blackdown Barracks site which was extracted from the study 'Redevelopment of Military Sites in Kowloon' conducted by PlanD in 1995. According to the recommendation of the study, the ex-Blackdown Barracks site should be developed for residential use. The western portion of the area had already been developed as a PSPS development, i.e. Rhythm Garden. A primary school, a bus terminus and a buffer area segregating Rhythm Garden and the San Po Kong industrial area were also implemented within the site. The eastern portion of the area (including the application site) was planned for residential use and was zoned "R(A)" on the OZP. However, the alignment of the Trunk Road T1 proposed under SEKDFS might encroach onto this part of the area. As such, the road reserve area for T1 was designated as 'Yellow Area' and excised from the Condition of Sale of the "R(A)" site for PSPS development. Mr. Yue continued to explain that Appendix VI was the concept plan for the ex-San Po Kong Flatted Factory (SPKFF) site which was extracted from the 'Planning Consultancy Study for San Po Kong Flatted Factory' conducted by HD. It indicated that a number of "O" sites had been designated in the vicinity of the application site, including the northern part of the ex-SPKFF, the Kai Tak East Playground and the open space along Sze Mei Street. The southern part of the ex-SPKFF site was zoned "R(E)" which was intended for public housing development. The proposed "O" and "R(E)" zonings of the ex-SPKFF site had been discussed at the Committee's meeting on 15.8.2008 and a Legislative Council Case Conference. HD had agreed that these open space sites would be developed as one package with the planned public housing development.

10. A Member enquired about the background and the implementation programme of the proposed Trunk Road T1. Mr. Eric C.K. Yue explained that at the time when the Trunk Road T1 was proposed under SEKDFS, the development scale of the South East Kowloon Area (currently known as Kai Tak) was relatively large and a number of trunk roads (including T1) were planned to pass through the area. With the adoption of 'zero reclamation' for the planning and design of Kai Tak, the development scale of Kai Tak had been reduced. According to the advice of CEDD, the proposed Trunk Road T1 had already been abandoned. Nevertheless, it was advised by HyD that the proposed railway tunnels of SCL would run underneath the site.

11. A Member noted that the residents of Rhythm Garden had suffered from the traffic noise and emission from the existing flyover and the bus terminus. If the site was to

be developed as an open space, it would unlikely mitigate the existing air and noise pollution problems. This Member asked the applicant whether he had considered other land uses such as hotel or GIC developments with central air conditioning which would not be adversely affected by air and noise pollution. In response, the applicant said that he had not considered other uses. His rezoning proposal was in response to the use of the site for housing development. Nevertheless, he considered that the construction of a hotel or a GIC development with central air conditioning at the site to overcome the traffic noise and emission from the existing flyover and the bus terminus was not an environmentally friendly solution.

12. Another Member said that various technical assessments including environmental impact assessment and AVA would be conducted before the site was used for residential development. He wondered whether the applicant considered the standards/criteria adopted by the Government not acceptable. In response, Mr. Lee Tat Yan said that given the severity of the traffic noise problem, EPD had pointed out that residential use at the application site was undesirable. He was worried whether there would be any air and noise mitigation measures that could effectively mitigate the adverse impact. In 2001, he had requested EPD to measure the traffic noise from the existing flyover and to consider constructing a cover for the flyover in order to mitigate the air and noise pollution. However, the suggestion had not been pursued by EPD.

13. A Member noted that the alignments for the proposed SCL tunnels in Plans Z-1 and Z-3 were different. In response, Mr. Eric C.K. Yue said that the alignment in Plan Z-1 was based on the current OZP which had not yet been updated, while the alignment in Plan Z-3 was the recently gazetted alignment of the proposed SCL tunnels. The OZP would be amended to incorporate the final alignment after authorization of the SCL scheme by the Chief Executive in Council. Mr. Yue supplemented that according to the advice of HyD, the site was required for the construction of the tunnels from February 2013 to the fourth quarter of 2016. No development would be allowed during the construction period. The same Member opined that as the alignment of the SCL tunnels was yet to be confirmed and the development potential of the site would be affected by the final alignment, it was pre-mature to rezone the site from "R(A)" to "O" at this stage. A comprehensive study on the future land use of the site should be conducted, taking into account the final tunnel alignment as well as the environmental impacts of the existing flyover and bus terminus in

the vicinity. Other Members shared the same views.

14. With regard to the applicant's presentation, the Chairman asked whether the provision of open space had taken into account the future population growth of the area. In response, Mr. Eric C.K. Yue said that the population increase from the future development of the ex-Tai Hom Village site and ex-SPKFF site had been taken into account. The ex-Tai Hom Village site was zoned "Comprehensive Development Area" on the OZP. A planning study was being conducted to examine the land use and a planning brief would be prepared to stipulate various planning requirements including the provision of open space. Besides, the southern part of the ex-SPKFF site was currently zoned "R(E)" on the OZP and HD planned to develop the site for public housing together with the nearby "O" sites in one package. HD had undertaken to consult WTSDC on the proposal before submission to the Board for consideration.

15. In response to the Chairman's enquiry on the current status of the proposed TWGHs holistic centre for youth development, Mr. Eric C.K. Yue said that the concerned site was zoned "O" on the OZP and if the concerned organization wished to pursue with the proposal, they would need to submit a section 12A application for consideration of the Board. In response to a further enquiry from the Chairman, Mr. Yue said that the provision of local open space for Rhythm Garden had met the requirements as stipulated in the HKPSG.

16. As the applicant and applicant's representatives had no further points to add and Members had no further questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant, the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

17. The Chairman summarized Members' views expressed at the question and answer session and concluded that the provision of open space was sufficient to serve the population of the planning area as well as Wong Tai Sin District and there was planned open

space in the vicinity of the site. The proposed open space at the site might not be suitable to mitigate the environmental impact of the existing flyover and bus terminus in the vicinity. Other uses such as hotel or G/IC uses which would not adversely be affected by air and noise impacts could also be considered. As the proposed railway tunnels of SCL would run underneath the application site, the development potential of the site would be affected by the final alignment of the tunnels, which was yet to be confirmed by HyD. A review of the land use of the site would only be conducted after the alignment of the proposed SCL tunnels was confirmed, taking into account the environmental impacts of the existing flyover and bus terminus in the vicinity. Members agreed.

18. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons as stated in paragraph 12.1 of the Paper and agreed that it should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were :

- (a) the proposed railway tunnels of the Sha Tin to Central Link (SCL) would run underneath the application site and the final alignment was yet to be confirmed. As the tunnel alignment would affect the development potential of the site, a review of the land use of the site would only be conducted after the alignment of the proposed SCL tunnels was confirmed, taking into account the environmental impacts of the existing flyover and bus terminus in the vicinity. As such, the need for rezoning of the site to other uses could only be considered after completion of the land use review; and
- (b) there were sufficient open space provisions to serve the population in the planning area as well as Wong Tai Sin District and there was planned open space in the close proximity to the application site.

Tsuen Wan and West Kowloon District

[Mr. Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/711 Shop and Services
 in “Other Specified Uses” annotated “Business (3)” zone,
 Workshop No.1 (Portion), Ground Floor, Premier Centre,
 20 Cheung Shun Street, Kowloon
 (MPC Paper No. A/K5/711)

Presentation and Question Sessions

19. 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/view was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper

which were summarised below :

- (i) the applied shop and services use was not incompatible with the other uses of the subject industrial building which mainly comprise workshops and a property agency with planning approval on the ground floor and industrial-related offices and trading firms on the upper floors. It complied with the Town Planning Board Guidelines No. 22D for 'Development within "OU (Business)" zone' in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on the subject building and the adjacent area. Concerned government departments consulted had no objection to the application;
- (ii) the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. The floor area of the application premises was about 11.65m². If the application was approved, the aggregate commercial floor area approved by the Committee on the ground floor of the subject building would be 50.48m², which was still within the maximum permissible limit. The Director of Fire Services (D of FS) had no objection to the application;
- (iii) although the application premises was not separated from the remaining portion of Workshop No. 1, the entrance of the premises facing Cheung Shun Street provided a means of escape. Both D of FS and the Chief Building Surveyor/Kowloon, Building Department had no objection to the application. Appropriate approval condition and advisory clause to stipulate the requirement of fire resisting separation between the premises and the remaining portion of Workshop No. 1 were recommended.

20. Members had no question on the application.

Deliberation Session

21. 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 six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.5.2012; 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.

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

- (a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department that application of a temporary waiver was required and that approval of the waiver application was not guaranteed;
- (c) to note the comments of the Director of Fire Service that the requirements as stipulated in the 'Code of Practice for Fire Resisting Construction' which was administered by the Buildings Department (BD) should be complied with; and
- (d) to note the comments of the Chief Building Surveyor/Kowloon, BD that an Authorized Person should be appointed to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :

- (i) 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’;
 - (ii) adequate fire resisting separation between the application 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’; and
 - (iii) access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- (e) to note the comments of the Director of Food and Environmental Hygiene that a licence/permit from the Food and Environmental Hygiene Department (FEHD) should be obtained prior to the commencement of food business or other trade of business that were operated under the relevant legislation enforceable by FEHD.

[Ms. Olga W.H. Lam left the meeting temporarily at this point.]

[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 5

Section 16 Application

[Open Meeting]

A/KC/377

Proposed Public Utility Installation (Electricity Package Substation)
in “Green Belt” zone, Government Land in D.D. 455,
Shing Mun Road near Wo Yi Hop Village Expansion Area, Kwai Chung
(MPC Paper No. A/KC/377)

23. The Secretary reported that on 28.10.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow additional time for the applicant to sort out issues with relevant parties and authorities in connection with the location of the site.

24. 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 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.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/378 Shop and Services (Property Agency)
 in “Industrial” zone,
 Portion of Workshop B, Ground Floor, Effort Industrial Building,
 2-8 Kung Yip Street, Kwai Chung
 (MPC Paper No. A/KC/378)

Presentation and Question Sessions

25. Mr. Y.S. Lee, 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 (property agency);
- (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/view 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 assessments set out in paragraph 11 of the Paper which were summarised below :
 - (i) the application premises was the subject of a previous planning application (No. A/KC/368) approved by the Committee on 17.6.2011. The actual Internal Floor Area (IFA) of the premises as revealed by the Lands Department during the processing of the application for temporary waiver was (18.471m²), which was 25% larger than that stipulated in the previous planning application (14.76m²). Hence, a fresh application was required to rectify the actual IFA of the premises. There was no change in planning circumstances since the previous approval granted by the Committee;
 - (ii) the applied use was considered not incompatible with the uses of the subject industrial building, which was mainly for industrial uses and warehouses. The Director-General of Trade and Industry had no adverse comments on the application. Moreover, the area of the premises was small and would unlikely generate adverse traffic, environmental or infrastructural impacts on the surrounding areas. Concerned government departments had no objection to the application; and

- (iii) the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. The total floor area of the previously approved applications (about 121.14m²) plus the floor area of the subject application (18.471m²) was 139.611m² which was less than the maximum permissible limit. The Director of Fire Services had no objection to the application subject to the provision of fire service installations and his concern could be addressed by imposing an appropriate approval condition.

26. In response to a Member's enquiry, Mr. Y.S. Lee said that a similar approval condition on fire safety aspect had been imposed under the previous application.

Deliberation Session

27. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.11.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire 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 six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.5.2012; 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.

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

- (a) prior planning permission should have been obtained before commencing the development at the subject premises;

- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that the applicant was required to apply for a temporary waiver for the shop and services (property agency) use. The application for temporary waiver would be considered by LandsD acting in the capacity as the landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions as should be considered appropriate by LandsD including, inter alia, payment of waiver fee and administrative fee, as might be approved by LandsD;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the applicant should comply with the provisions of the Buildings Ordinance (BO), in particular :
 - (i) the application premises should be separated from the remaining of the building with fire resistance period of not less than two hours; and
 - (ii) an Authorised Person should be appointed to coordinate building works except exempted works as defined in section 41 of BO;

- (d) 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

- (e) to take note of the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ issued by TPB for further information on the fulfilment of the approval conditions.

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

[The Chairman left the meeting for an important office appointment. The Vice-chairman, Mr. K.Y. Leung, overtook the chairmanship of the meeting at this point.]

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/427 Renewal of Planning Approval for
Temporary “Shop and Services (Fast Food Shop)”
for a Period of 3 Years
in “Comprehensive Development Area (6)” zone,
Shops No. 1 and 2, Ground Floor, Tung Cheong Factory Building,
177-181 Yeung Uk Road, Tsuen Wan
(MPC Paper No. A/TW/427)

Presentation and Question Sessions

29. 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 renewal of planning approval for temporary “shop and services (fast food shop)” for a period of 3 years;
- (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/view was received by the District Officer (Tsuen Wan); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
- (i) the subject “Comprehensive Development Area (6)” (“CDA(6)”) zone on the Tsuen Wan OZP was rezoned from “Industrial” (“I”) in December 2010. The intended comprehensive redevelopment at the “CDA(6)” zone would take time to materialise. There was no objection to utilise existing industrial premises for other compatible uses in the interim;
 - (ii) the proposed fast food shops (Shops No. 1 and 2) (as indicated in Plan A-2 of the Paper) were located on the ground floor of an existing building, which were accessible from Wang Wo Tsai Street. The fast food shops were small in scale (with a total floor area of about 14.3m²) and were considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. They could provide essential supporting service to the local workers in the vicinity; and
 - (iii) the current application was for a renewal of planning approval under Application No. A/TW/401 and it was in line with the Town Planning Board Guidelines No. 34B for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’. Although the land use zoning of the premises had been changed from “I” to “CDA(6)”, there was no change in the land use character, which was predominately industrial. Concerned government departments consulted had no objection to or adverse comment on the application. The approval condition of the previous application had also been complied with. A renewal of planning permission for 3 years would unlikely jeopardize the long-term planning intention of the “CDA(6)” zone.

30. In response to a Member's enquiry, Mr. K.T. Ng said that the fast food shops at the subject premises were covered by a valid food business license and a non-bottled drinks permit issued by the Food and Environmental Hygiene Department.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 22.11.2011 to 21.11.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within six 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 21.5.2012; 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.

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

- (a) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department in respect of the requirement for separation of the application premises from the remaining portion of the subject industrial building by proper fire resisting construction, provision of an access to facilitate maintenance of manholes and underground drains within Shop No. 2 and submission of building plans for non-exempted building works; and
- (b) to note the comments of the Director of Fire Services that the subject fast food shop use should only be licensed and operated as 'food factory' or 'factory canteen'. A fast food shop licensed and operated as a 'general restaurant' or 'light refreshment restaurant' would not be accepted.

[The Vice-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. April K.Y. Kun, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/394 Proposed Hotel Development with Eating Place
in "Residential (Group A) 12" zone,
Nos. 20, 22, 24 and 26 Staunton Street, Sheung Wan, Hong Kong
(MPC Paper No. A/H3/394)

Presentation and Question Sessions

33. The Secretary reported that one of the applicants of the application was Jade Line Ltd., a subsidiary of Sino Land Co. Ltd. Mr. Raymond Y.M. Chan and Mr. Felix W. Fong had declared an interest in this item as they had current business dealings with Sino Land Co. Ltd. The Committee agreed that Mr. Chan and Mr. Fong's interests were direct and they should leave the meeting temporarily.

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

34. 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 development with eating place;
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application from the traffic point of view. Staunton Street was a narrow service road for the area and was the only access road for vehicles heavier than 3 tonnes to the neighbouring area as far as Bridges Street on the western side of Aberdeen Street. As Staunton Street was a vital access road to the aforesaid area and was narrow with tight corners at junctions and short sections of substandard lay-bys which were shared used by buildings and new developments alongside, he was concerned about the developments that would attract heavier pedestrian and vehicular traffic and higher demand for the on-street loading/unloading facilities. The information shown in the Traffic Impact Assessment (TIA) failed to demonstrate that the loading/unloading areas in the vicinity were operating with spare capacity. Besides, it had not taken into account the utilization resulting from the future redevelopment of the existing buildings in the immediate surroundings. The application, if approved, might set a precedent for similar applications, the cumulative effect of which would have adverse traffic impact on the on-street communal transport facilities;
- (d) the public comments received were summarised below :
 - (i) during the first three weeks of the statutory publication period which ended on 27.8.2010, 197 comments were received. Amongst them, 180 comments were from the Incorporated Owners of No. 45 and 47 Elgin Street, residents of Million City, Democratic Party, a District Councillor of the Central and Western District Council (C&WDC), Green Sense, Designing Hong Kong Ltd., C&WD Concern Group and members of the public, with 142 were in standard letters of 4 types. They objected to or expressed grave concerns on the application. The remaining 17 comments were from members of the public who were in support of the application;

- (ii) during the first three weeks of the statutory publication period for further information which ended on 5.8.2011, 16.9.2011 and 28.10.2011 respectively, a total of 232 comments from the Incorporated Owners of No. 45 and 47 Elgin Street, residents of Million City, Democratic Party, Designing Hong Kong Ltd., C&WD Concern Group and members of the public were received, with 80 were in standard letters of 4 types. They raised objection to the application;
- (iii) out of the total 429 public comments received, 17 comments were in support of the application and 412 comments objected to or expressed grave concerns on the application. Their views were summarised as follows :

Supporting Views

- the Mass Transit Railway West Island Line would stimulate the demand for residential development and commercial activities, and the proposed development would help meet the demand;
- the site was suitable for hotel development and compatible with the surrounding area. The proposed development would be beneficial to the community and boost local economy by creating job opportunities and bringing tourists to the area;
- the existing buildings were very old and vacant and the proposal could help better utilize the valuable land resources and enhance the visual amenity of the site;
- the proposed setback from Staunton Street could improve the air ventilation and sun penetration and widen the existing pedestrian way; and
- the proposed hotel was within the building height restriction and had provided a setback of 2m from Staunton Street as stipulated

under the OZP;

Objecting Views

- Staunton Street was a one-way narrow street and the proposed development would generate adverse traffic impact. The area/Staunton Street/Elgin Street were very congested and could not cope with the need for pick-up/drop-off of passengers and loading/unloading of goods of the hotel. Besides, it would adversely affect the safety and health of the local residents. Some commenters suggested to pedestrianise the street(s);

- the proposed hotel development contravened with the planning intention for residential use/government's policy to revitalise old districts. It would destroy the local environment/ambience/unique character of SOHO and 'Central Old City' and affect the local tourism. Approval of the application would set an undesirable precedent;

- the living quality as well as the resale ability and market value of the Million City, which was very close to the application site, would be adversely affected during and after the construction of the proposed development. There were a lot of high-rise/hotels and restaurants in the surroundings and additional high-rise hotel and restaurants were not needed;

- the proposed conversion of the existing lane to the immediate southwest of the site into an open yard would block the emergency vehicular access;

- the proposed building height of about 100m with a plot ratio (PR) of 12 was excessive in comparison with the surrounding low-rise tenement buildings. The proposed tall building would worsen the heat island/street canyon/air blockage/wall effects and had detrimental effect on public health. Any new development

should not exceed the existing building height in the area; and

- there was no information in the submission to demonstrate that the proposed development would not cause adverse environmental, traffic, water supply, sewerage, drainage, slope stability, landscape and visual impacts;
- (iv) the District Officer (C&W) advised that members of the public and C&WDC had expressed great concern on the adverse traffic, visual and environmental impacts that might result from the proposed hotel development. The C&WDC members had, in the past, showed concern on hotel developments in the district; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The existing streets and footpaths in the SOHO area were narrow and there were vehicular and pedestrian conflicts. C for T had reservation on the application from the traffic point of view. The concern was that Staunton Street was a narrow and vital service road to the neighbouring area. The proposed hotel would attract more pedestrian and vehicular traffic and greater demand for on-street loading/unloading facilities. Moreover, the TIA submitted by the applicant was not satisfactory as it failed to demonstrate that the loading/unloading areas in the vicinity were operating with spare capacity, and it had not taken into account the utilisation that would result from the future redevelopment of the existing buildings in the immediate surroundings. Approval of the application might set an undesirable precedent, and the cumulative effect of approving similar applications would adversely affect the traffic condition in the area.

35. A Member asked which parts of the TIA were considered not satisfactory. In response, Ms. April K.Y. Kun said that according to the advice of the Transport Department (TD), a survey had been conducted by the applicant to assess the loading/unloading capacity in the vicinity of the site and the assessment failed to demonstrate that the loading/unloading areas in the vicinity were operated with spare capacity. Moreover, in calculating the traffic

capacity, the assessment had not taken into account the impact of future redevelopment of the existing buildings in the immediate surroundings. The same Member asked whether the TIA would be considered acceptable if the above traffic concerns were addressed. In response, Ms. Kun said that in commenting the TIA submitted by the applicant, TD's comments covered mainly the assumptions and analysis included in the applicant's submission.

36. In response to the Vice-chairman's enquiry on the land use compatibility of the proposed hotel with the surrounding areas, Ms. April K.Y. Kun said that the site was within the SOHO area where commercial activities including restaurants, bars and shops were found on the ground level of residential buildings. The proposed hotel with eating place was considered not incompatible with the surrounding land uses.

37. A Member noted that the site was located in an old district and redevelopments were being undertaken in the vicinity. He asked TD to explain their requirement for assessing the traffic impact of redevelopment of existing buildings in the immediate surroundings. In response, Mr. David K.B. To, Assistant Commissioner for Transport (Urban) of TD, said that Staunton Street was a narrow and steep service road and at present the traffic condition was not very satisfactory. The TIA should not simply assess the traffic impact of the proposed hotel development. It should also take into account the traffic impacts of the approved applications and the on-going redevelopment/conversion of old buildings in the vicinity which did not require planning permission from the Board. As the current TIA could not demonstrate that there was spare capacity in the loading/unloading areas in the vicinity, it was considered not acceptable.

Deliberation Session

38. A Member noted that the application site fell within an old urban area where the streets were narrow and congested. From the land use planning point of view, office and hotel developments were considered not incompatible with the existing residential developments in the area. However, a previous application for office development on the site was rejected by the Committee and one of the reasons was on traffic ground. The subject application for a proposed hotel was also not supported by TD. This Member enquired about the desirable land use of the area. In response, the Secretary said that the

area was an old residential district and had long been zoned “Residential (Group A)” (“R(A)”) on the Outline Zoning Plan. Commercial uses were found on the lower floors of the residential buildings in the area. In the past two decades, transformation of the area had taken place. Apart from residential developments, there was a gradual increase of small-scale office and commercial developments in the area. Hotel use, which was considered compatible with the surrounding area in terms of land use, was a Column 2 use under the “R(A)” zone. Regarding the subject application, the proposed hotel development was considered not unacceptable in terms of land use. However, TD had reservation on the application from the traffic point of view.

[Mr. H.M. Wong arrived to join the meeting at this point.]

39. The Secretary continued to point out that an ‘Old City’ concept, which was put forward in a section 12A application, was considered by the Committee in May 2009. The ‘Old City’ concept was to preserve the unique land use character and streetscape of the Central District including the SOHO area where the application site was located. In considering the section 12A application, members generally appreciated the merits of the concept. However, Members also considered that the concept would have policy implications and would affect the development right of the landowners. Hence, it needed to be carefully considered at the policy level and should be put forth to the Administration for consideration. Moreover, a comprehensive study should be conducted to review the land use of the area and the public should be thoroughly consulted before coming up with any proposal concerning the area. In response to a Member’s enquiry, the Secretary said that the ‘Old City’ concept was put forth to the Development Bureau for consideration in 2009.

40. In response to a Member’s enquiry on how to assess the traffic impacts of the proposed development in the area, Mr. David K.B. To said that the applicant should demonstrate in the TIA that there were spare loading/unloading capacities in the vicinity to cater for the proposed hotel development and would not cause adverse traffic impacts on the surrounding areas. Proper traffic mitigation measures or loading/unloading facilities, if appropriate, should be proposed in the TIA. The Secretary also pointed out that in view of its small area and the development constraints of the site, the applicant might consider other development alternatives such as reducing the development intensity of the proposal or increasing the site area of the proposed hotel by amalgamating the subject site with its

adjacent site(s). Members generally agreed that the application should be rejected on traffic ground.

41. After deliberation, the Committee decided to reject the application. Members then went through the reasons as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development would attract more pedestrian and vehicular traffic and greater demand for on-street loading/unloading facilities. The Traffic Impact Assessment submitted failed to address the traffic impact generated by the proposed development on the area; and
- (b) approval of the application might set an undesirable precedent, and the cumulative effect of approving similar applications would adversely affect the traffic condition in the area.

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

[Mr. Eric K.S. Hui left the meeting at this point and Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

[Miss Isabel Y. Yiu, STP/HK, was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/126 Proposed Minor Relaxation of Site Coverage to 29%
for permitted House Development in "Residential (Group C) 5" zone,
No. 15 South Bay Road, Repulse Bay, Hong Kong
(MPC Paper No. A/H17/126)

Presentation and Question Sessions

42. With the aid of a powerpoint presentation, Miss Isabel Y. Yiu, 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 site coverage (SC) restriction from 25% to 29% for a proposed residential development, which comprised a 3-storey domestic block and a 2-storey recreational block above 1 storey of basement plant room in “Residential (Group C)5” (“R(C)5”) zone;
- (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/view was received by the District Officer (Southern); 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 summarised below :
 - (i) a previous application (No. A/H17/125) for the same use on the site was approved by the Committee on 5.8.2011. The proposed SC relaxation from 25% to 29% did not exceed the maximum permissible level under the general guideline adopted by the Board (i.e. 50% for Residential Zone 3). The proposed plot ratio of about 0.72 and building height of 3 storeys for domestic block and 2 storeys above 1 storey of basement plant rooms for recreational block were within the development restrictions stipulated under the Outline Zoning Plan. The main difference between the previous scheme and the current application was the increase in the number of residential units from one to two, which was neither a Class A nor a

Class B amendment to the approved scheme; and

- (ii) the proposed minor relaxation of SC was mainly to cater for design flexibility, allowing height variation between the domestic block (31.25mPD) and recreational block (28.6mPD). The height of both blocks in terms of mPD level had been reduced when compared with the existing development (32.55mPD and 29.38mPD respectively) and the overall visual impact of the proposed redevelopment would be reduced. Significant adverse landscape impact arising from the proposed redevelopment was not anticipated. An approval condition requiring the applicant to submit and implement tree preservation and landscaping proposals was recommended. Relevant government departments consulted had no objection to or no adverse comment on the application.

43. Members had no question on the application.

Deliberation Session

44. 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 18.11.2015, 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 water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines and any proposal on gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/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 apply to the District Lands Officer/Hong Kong West and South, Lands Department for the lease modification;
- (c) to note the comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department as follows :
 - (i) a Drainage Reserve Area enclosing the 900mm x 1350mm and 600mm diameter storm drains would be designated within the site. No structures (permanent or temporary) should encroach upon it; and
 - (ii) for development controlled under the Buildings Ordinance, drainage connection plans and details should be incorporated into the drainage plans and submitted together with the supporting hydraulic calculations to BA for approval;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong West, BD that detailed comments on the proposal could only be given at the building plan submission stage. Preliminary comments were as follows :
 - (i) the 'Code of Practice for the Provision of Means of Escape in Case of Fire 1996' (MOE code) for domestic block and recreational block was applicable. For Flat B of the domestic block, direct distance, sum of direct distance and travel distance for bedrooms on 1/F and

family room, as well as bedrooms and bathrooms on 2/F exceed the limitations under the MOE code; and

- (ii) justification should be provided for using the government land next to the run-in/out of the site for emergency vehicular access; and
- (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access should comply with Part VI of the ‘Code of Practice for Means of Access for Fire-fighting and Rescue’ which was administered by BD.

[The Vice-chairman thanked Miss Isabel Y. Yiu, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting]

A/H17/127 Proposed Flats (Staff Quarters)
in “Government, Institution or Community” zone,
23 South Bay Close, Repulse Bay, Hong Kong
(MPC Paper No. A/H17/127)

46. The Secretary reported that Professor S.C. Wong had declared an interest in this item as he had current business dealings with Ove Arup and Partners Hong Kong Ltd., one of the consultants of the application. The Committee considered that the interest of Professor Wong was indirect as he was not involved in the subject application and he could be allowed to stay in the meeting.

47. The Secretary continued to report that on 3.11.2011, the applicant requested for a deferment of the consideration of the application for not more than two months in order to

allow additional sufficient time for the applicant to prepare and submit further information/technical clarifications to address various comments from government departments.

48. 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 11

Section 16 Application

[Open Meeting]

A/H7/156 Proposed Minor Relaxation of Building Height Restriction
for Permitted Composite Commercial/Residential Development
in “Residential (Group A)” zone,
25 Wong Nai Chung Road, Happy Valley, Hong Kong
(MPC Paper No. A/H7/156)

49. The Secretary said that the application site was the subject of outstanding adverse representations yet to be submitted to the Chief Executive in Council (CE in C) for consideration. One of the adverse further representations in respect of the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/14 was submitted by the Beverly Hill (Estate Management) Ltd. She had declared an interest in this item as she had a property at Beverly Hill. Members considered that as the Secretary had to serve the Committee, she had to remain in the meeting for operational reason.

50. The Secretary reported that on 18.1.2008, the draft Wong Nai Chung OZP No. S/H7/14, incorporating amendments to impose building height (BH) restrictions for various development zones and some zoning amendments, was exhibited for public inspection under

section 7 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 50 representations were received. Among them, 24 representations were against, among other matters, the imposition of the BH restrictions of the OZP in general including the application site. After giving consideration to the representations on 8.8.2008, the Board decided to partially uphold some of the representations by amending, among others, the BH restrictions for the “Residential (Group A)” (“R(A)”) sites bounded by Wong Nai Chung Road, Shan Kwong Road, King Kwong Street/Tsoi Tak Street and Blue Pool Road (covering the application site) from 80mPD to 85mPD. The proposed amendments were published for inspection under section 6C(2) of the Ordinance on 29.8.2008. During the 3-week exhibition period, a total of six further representations were received. Among them, three further representations were related to the application site, of which two were against the revised BH restriction of 85mPD. The remaining representation supported the revised BH restriction. After giving consideration to the further representations on 14.11.2008, the Board decided not to uphold the further representations and confirmed the amendments to the OZP.

51. The Secretary continued to report that the draft OZP was the subject of a judicial review (JR) application, which was lodged by the Hong Kong Sanatorium and Hospital Limited (HKSH) on 7.11.2008. On 27.9.2010, the court granted leave to HKSH’s application to discontinue the JR. Subsequently, the draft Wong Nai Chung OZP was amended twice and exhibited for public inspection under section 7 of the Ordinance on 30.9.2010 and 26.8.2011 respectively.

52. The Secretary said that the application site was subject to outstanding adverse representations yet to be submitted to CE in C for consideration and the substance of the representations was relevant to the subject application. The Committee should consider whether to defer a decision on the subject application, taking into account the fact that the revised BH restriction of 85mPD for the “R(A)” zone covering the application site was the subject of two adverse further representations and the draft OZP together with the representations and further representations were yet to be submitted to and considered by CE in C.

53. After deliberation, the Committee decided to defer a decision on the application. The application would be submitted to the Committee for consideration upon CE in C’s final

decision on the draft OZP.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/H8/409 Proposed Commercial Bathhouse and Massage Establishment
in “Commercial/Residential” zone,
2/F, Fortress Tower, 250 King's Road, North Point
(MPC Paper No. A/H8/409)

54. The Secretary reported that Mr. Raymond Y.M. Chan had declared an interest in this item as Charterwealth Professional Ltd., the consultant of the application, was his brother’s company. The Committee considered that as the applicant had requested for a deferment of consideration of the application, Mr. Chan could be allowed to stay in the meeting. The Vice-chairman also declared an interest in this item as his office and the application premises were located in the same building. The Committee considered that as the Vice-chairman would need to chair the meeting, he had to remain in the meeting out of necessity.

55. The Secretary continued to report that on 10.11.2011, the applicant requested for a deferment of the consideration of the application for two months in order to address the comments of the Environmental Protection Department.

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 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.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/70 Proposed Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.545
for House Development in “Residential (Group C) 3” zone,
47 Barker Road, Hong Kong
(MPC Paper No. A/H14/70)

Presentation and Question Sessions

57. With the aid of a powerpoint, 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 minor relaxation of plot ratio (PR) restriction from 0.5 to 0.545 for a proposed 4-storey house development in “Residential (Group C)3” (“R(C)3”) zone;

[Ms Olga W.H. Lam returned to join the meeting at this point.]

- (c) departmental comments were detailed in paragraph 9 of the Paper and highlighted below :
 - (i) the Commissioner for Heritage of the Development Bureau (CHO, DEVB) and the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department supported the application. They advised that the Antiquities Advisory Board (AAB) accorded the existing ‘Villa Blanca’ at the application site a Grade 2 status on 20.9.2010. By definition, a Grade 2 historic building was a building of special merit and efforts should be made to selectively preserve the building. The current preservation-cum-development proposal in the

submission commensurated with the grading and heritage value of the historic building concerned. They also welcomed the applicant's proposal of providing promotion of the said graded building, which included documenting the preservation process, setting up a website for the project and erection of an information plaque/panel near the proposed entrance to the site along Barker Road;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the existing Villa Blanca was a Grade 2 historic building. The applicant proposed to preserve half of the historic front façade and the rest of the villa would be replaced by new construction of contemporary architectural style. She had concerns on whether the proposal, in which the historic fabric to be retained formed a disproportionately small part in the new building, would be adequate to maintain the overall architectural character. Whether the proposed architectural solution could achieve the conservation objective was subject to the architectural design; and
 - (iii) the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department had no particular comment on the design approach adopted by the applicant. However, the design proposal provided in the submission seemed to be preliminary and he considered that there might be room for improvement on the architectural relationship and compatibility between the new and old portions.
- (d) the public comments received were summarised as below :
- (i) during the first three weeks of the statutory public inspection period, which ended on 16.9.2011, five public comments were received. Three comments were from members of the public while the other two were submitted by 'Caring Hong Kong' and a Legislative Council member respectively. The commenters were concerned

about the proposed house redevelopment would cause irreversible damage to the integrity of the existing historic building which should be wholly preserved. Approval of the application would set an undesirable precedent for similar applications in the area and encourage similar redevelopments through demolition of historic buildings to allow for more profit, which was not acceptable from the heritage preservation point of view; and

- (ii) during the first three weeks of the statutory public inspection period for further information, which ended on 28.10.2011, three public comments were received. Two were from the previous commenters, 'Caring Hong Kong' and a member of the public, who raised similar concerns that the proposed house redevelopment would cause irreversible damage to the integrity of the existing historic building which should be wholly preserved, the proposed minor relaxation of PR through demolition of historic buildings was not acceptable, and approval of the application would set an undesirable precedent for similar applications. The third comment was from a member of the public who supported the application in principle but was of the view that the facade should be wholly preserved. Besides, the commenter urged the Government to erect a Spanish-style observation terrace on the government land opposite 47 Barker Road to promote the historic heritage (Villa Blanca); and
- (e) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
 - (i) the existing Villa Blanca on the site was a Grade 2 historic building. the proposed minor relaxation of PR restriction from 0.5 to 0.545 for the proposed house redevelopment was to take forward a heritage conservation proposal through preserving in-situ a portion of the front facade of the existing historic building. The additional PR of 0.045, which were GFA countable (about 32.4m²), was to incorporate

the preserved facade portion and to provide external structures to connect the preserved façade portion to the house. The external connecting structures were intended to provide structural support and maintenance access to the façade;

- (ii) CHO, DEVB and AMO supported the application as the current preservation-cum-development proposal commensurated with the grading and heritage value of the historic building. To improve the architectural relationship and compatibility between the new and old portions of the proposed development, an approval condition to require the applicant to submit and implement a proposal on building facade design was recommended;
- (iii) the additional PR of 0.045 intended for preserving part of the front facade and providing the external connecting structures would not have significant implications on the overall scale of the development. Relevant government departments consulted had no objection to the application. To ensure that the proposed development would not have adverse landscape impact, an approval condition could be imposed to require the applicant to submit and implement the tree preservation and landscape proposals; and
- (iv) whilst there were public comments to preserve the whole historic building or façade, the preservation scheme had the support of CHO, DEVB and AMO. Regarding the suggestion for erecting an observation terrace on the government land opposite 47 Barker Road (as shown in Plan A-5 of the Paper), the applicant had proposed to erect an information plaque/panel near the entrance to the application site along Barker Road to introduce the significance of the historic building. As the proposed location for the observation terrace was outside the application site, it was a separate matter outside the purview of the Board.

58. A Member enquired about the criteria for assessing application for minor relaxation of PR restriction. In response, Ms. Kitty S.T. Lam said that each application for minor relaxation would be considered by the Committee on its individual merits. Regarding the current application, the existing 'Villa Blanca' at the application site was a Grade 2 historical building. The proposed increase in PR from 0.5 to 0.545 was to cater for the construction of external connecting structures to provide structural support and maintenance access to the front façade to be preserved in-situ. The preservation proposal was supported by CHO, DEVB and AMO.

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 18.11.2015, 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 submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a building facade design proposal to further improve the architectural relationship and compatibility between the new and old portions of the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission and implementation of a Drainage Impact Assessment (DIA) to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and

- (f) the implementation of a SIA to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/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 East and Heritage, BD that the applicant should take into account the contents of the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151 regarding application of the new GFA concessions policy;
- (c) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the ‘Code of Practice for Means of Access for Fire-fighting and Rescue’ which was administrated by BD; and
- (d) to note the comments of the Director of Drainage Services that the works identified in the SIA and DIA should be implemented by the developer at his own costs to the satisfaction of Drainage Services Department.

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

[Mr. Richard Y.L. Siu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Kowloon District

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/277 Proposed Shop and Services (Bank)
in “Other Specified Uses” annotated “Business” zone,
Workshop 2, Ground Floor, Shun Fat Industrial Building,
17 Wang Hoi Road, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/277)

Presentation and Question Sessions

61. The Secretary reported that Mr. Felix W. Fong had declared an interest in this item as he had business dealings with the applicant, Bank of China (Hong Kong) Ltd. The Committee noted that Mr. Fong had left the meeting.

62. With the aid of a powerpoint, Mr. Richard Y.L. Siu, 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 (bank);
- (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/view was received by the District Officer (Kwun

Tong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
 - (i) the proposed bank was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone which was intended for general business uses. A previous application (No. A/K13/2) for the same use at the application premises was approved by the Board on 10.7.1987 when it was under the “Industrial” zone. As compared with the previous application, the current application involved a slight reduction in floor area (from 248.5m² to 240m²) and had a different site configuration. Moreover, similar applications had been approved for ‘Shop and Services’ use on the ground floor workshop units of the nearby industrial buildings in the Kowloon Bay Business Area;
 - (ii) the proposed bank would provide supporting services to the businesses and workers in the area and it was considered not incompatible with other uses in the same building, which were mainly warehouses, offices and non-polluting industrial uses. It was also considered not incompatible with workshops, real estate agencies and eating places on the ground floor of the nearby industrial buildings; and
 - (iii) the application complied with the Town Planning Board Guidelines No. 22D for ‘Development within “OU (Business)” Zone’. The proposed bank would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to other uses within the subject building and the adjacent area. Relevant government departments had no objection to or adverse comments on the application.

63. In response to a Member's enquiry, Mr. Richard Y.L. Siu said that both the previous application (No. A/K13/2) and the current application were submitted by the same applicant, who was the owner of the subject premises.

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 18.11.2013, 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 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.

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

- (a) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that an Authorised Person should be appointed to submit alterations and additions proposal for the proposed alteration works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance, including :
 - (i) adequate means of escape should be provided in accordance with Building (Planning) Regulation 41(1) and 'Code of Practice for the Provision of Means of Escape in Case of Fire 1996';

- (ii) the application premises should be separated from the remaining portion of the premises with walls having two hours fire resistance period pursuant to Building (Construction) Regulation 90 and ‘Code of Practice for Fire Resisting Construction’; and
 - (iii) access and facilities for the persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, BD that the applicant should take note of the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that BA had no powers to give retrospective approval or consent for any unauthorised building works;
- (c) to note the comments of the Director of Fire Services that the planning approval did not detract the responsibilities of owner/occupier in compliance with any fire safety improvement works required under the Fire Safety (Commercial Premises) Ordinance, Chapter 502, Laws of Hong Kong; and
- (d) to comply with the requirements as stipulated in the ‘Code of Practice for Fire Resisting Construction’ which was administered by the BD.

[The Vice-chairman thanked Mr. Richard Y.L. Siu, 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 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/662 Proposed Conversion of an Existing Industrial Building to Hotel Use
in “Other Specified Uses” annotated “Business” zone,
320-322 Kwun Tong Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/662)

Presentation and Question Sessions

66. The Secretary reported that Traces Ltd. was one of the consultants of the application. Ms. Julia M.K. Lau had declared an interest in this item as she was the director of this company. The Committee noted that Ms. Lau had tendered an apology for being unable to attend the meeting.

67. 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 conversion of an existing industrial building to hotel use;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments supporting the application were received during the statutory publication period. One of the commenters suggested the increase in the greening areas of the proposed hotel façade to enhance the environment along Kwun Tong Road; 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 summarised below :

- (i) the proposed hotel was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone which was primarily for general business use. The application was for an in-situ conversion of an existing industrial building for hotel use with a plot ratio of 8.88 and a building height of 47.556mPD which did not exceed the development restrictions of the “OU(Business)” zone on the Outline Zoning Plan. The Committee had approved 23 applications for hotel developments in the Kwun Tong Business Area. One of the approved applications, the Newton Place Hotel, was located to the further southeast of the site (as indicated in Plan A-1 of the Paper). The Commissioner for Tourism also supported the current application;
- (ii) the proposed hotel was in line with the Town Planning Board Guidelines No. 22D for ‘Development within “OU(Business)” Zone’ in that it was compatible with the surrounding land uses. It would help improve the existing urban environment and serve as a catalyst in phasing out the current industrial uses within the “OU(Business)” zone; and
- (iii) the applicant had submitted environmental assessment (EA), sewerage impact assessment and transport statement to demonstrate that the proposed hotel would not have any adverse environmental, sewerage and traffic impacts on the surrounding areas. The proposed provision of car parking facilities was in line with the parking requirements for hotel developments stipulated in the Hong Kong Planning Standards and Guidelines and was considered acceptable by C for T. The applicant had also demonstrated in the EA that through the provision of fixed windows and central air conditioning system, the proposed hotel development would not be subject to adverse air quality and noise impacts from the surrounding industrial activities and road networks. Concerned government

departments had no objection to or adverse comments on the application.

68. Members had no question on the application.

Deliberation Session

69. 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 18.11.2015, 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; and
- (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.

70. 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 a temporary/special waiver for the proposed hotel use;
- (b) to note the comments of the Director of Fire Services that arrangement on emergency vehicular access should comply with Part VI of the 'Code of Practice for Means of Access for Fire-fighting and Rescue' which was administered by the Buildings Department (BD);

- (c) to note the comments of the Chief Building Surveyor/Kowloon, BD that :
- (i) subject to compliance with the criteria under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40, the application for hotel concession including exemption of back-of-house facilities from gross floor area calculation under Building (Planning) Regulation 23A would be considered upon formal submission of building plans;
 - (ii) according to the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47, the Building Authority had no power to give retrospective approval or consent for any unauthorized building works; and
- (d) to consult the Chief Officer(Licensing Authority), Home Affairs Department on the licensing requirements for the proposed hotel.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/663 Proposed Shop and Services (Fast Food Shop)
in “Other Specified Uses” annotated “Business” zone,
Shop F, Ground Floor, Ocean Industrial Building,
29 Tai Yip Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/663)

Presentation and Question Sessions

71. 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 (fast food shop);
- (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 expressing support to the application but without giving any reason was received; 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 summarised as below :
 - (i) the proposed fast food shop at the application premises was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone which was intended for general business uses;
 - (ii) the application complied with the Town Planning Board Guidelines No. 22D for ‘Development within the “OU(Business)” Zone’ in that the proposed fast food shop would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the other uses within the subject building and the adjacent areas. Relevant government departments consulted had no objection to the application; and
 - (iii) the Committee had granted planning approval for fast food shop use at the subject premises under a previous application (No. A/K14/596), but the planning approval lapsed on 21.8.2011. There was no change in planning circumstances since the granting of the previous planning approval. Moreover, the applicant had demonstrated efforts in complying with the approval condition of the previous application but he needed more time to revise the fire service installation proposal to meet requirement of the Fire Services

Department. The Director of Fire Services had no objection to the application.

72. Members had no question on the application.

Deliberation Session

73. 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 18.11.2013, 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.

74. 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 a temporary waiver for the shop and services use at the application premises;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the applicant should 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 :

- (i) the provision of two hours fire resisting separation wall between the application premises and the remaining portion of the existing building on the ground floor in accordance with Building (Construction) Regulation 90 and paragraphs 8 and 9 of the ‘Code of Practice for Fire Resisting Construction 1996’;
 - (ii) 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
 - (iii) the applicant should also pay attention to the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that BA had no powers to give retrospective approval or consent for any unauthorized building works; and
- (c) to note the comments of the Director of Fire Services that the applicant should 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 proposed shop and services (fast food shop) use should only be licensed as ‘food factory’ or ‘factory canteen’.

[The Vice-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 17

[Close Meeting]

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

Agenda Item 18

Any Other Business

76. There being no other business, the meeting closed at 12:10 p.m..