

**TOWN PLANNING BOARD**

**Minutes of 455th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 2.12.2011**

**Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Professor C.M. Hui

Mr. Roger K.H. Luk

Professor S.C. Wong

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

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

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

Assistant Director/Kowloon, Lands Department  
Ms. Olga Lam

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

Secretary

**Absent with Apologies**

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Ms. L.P. Yau

**In Attendance**

Assistant Director of Planning/Board

Mr. C.T. Ling

Chief Town Planner/Town Planning Board

Ms. Christine K.C. Tse

Town Planner/Town Planning Board

Miss Hannah H.N. Yick

[As there were sufficient official members, Mr. Eric Hui, Mr. Ken Y.K. Wong and Ms. Olga Lam were invited to leave the meeting. Mr. Hui, Mr. Wong and Ms. Lam left the meeting at this point.]

**Agenda Item 1**

Confirmation of the Draft Minutes of the 454th MPC Meeting held on 18.11.2011

[Open Meeting]

1. The draft minutes of the 454th MPC meeting held on 18.11.2011 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

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

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/374                      Proposed Hotel  
in “Other Specified Uses” annotated “Business” zone,  
Nos. 15-19 Chun Pin Street, Kwai Chung  
(MPC Paper No. A/KC/374)

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3.                      The Committee noted that replacement page 2 and page 4 in Appendix II of the Paper correcting the number of loading/unloading bays and the development parameters of a similar case respectively were tabled at the meeting.

4.                      The Secretary reported that Raymond Chan Surveyors Ltd. was the consultant of the applicant. Mr. Raymond Chan who was the director of this company had declared an interest in this item. The Committee noted that Mr. Chan had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

5.                      With the aid of a visualizer, Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the subject industrial building was subject to a set of building plans for industrial use approved by the Building Authority (BA) in 1981 with a GFA of about 10,930.13m<sup>2</sup>, a plot ratio (PR) of 13.07 and a building height (BH) of 24 storeys (104.8mPD). At the time of the approval of the building plans, the subject industrial building fell within an area zoned “Industrial” (“I”) on the then OZP No. LTW/145E. No PR and BH restrictions were stipulated under

the “I” zone on the then OZP No. LTW/145E.;

- (b) the proposed hotel highlighting that it involved wholesale conversion of an existing 24-storey industrial building and had 160 hotel rooms with a total gross floor area (GFA) of 10,722m<sup>2</sup> including back-of-house (BOH) facilities;
- (c) departmental comments –the Commissioner for Tourism (C for Tourism) supported the application. Other concerned government departments had no objection/adverse comments;
- (d) during the first three weeks of the statutory publication period, one public comment was received. It objected to the application on the ground that the proposed development would adversely affect the already congested traffic in the area. During the first three weeks of the statutory publication period of further information, no public comment was received. No local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed development was generally in line with the planning intention of the “Other Specified Uses (Business)” (“OU(Business)”) zone which was for general business uses. The proposed development was also generally in line with the Town Planning Board Guidelines for “OU(Business)” zone in that it was not incompatible with the surrounding developments. Notwithstanding, the application site was situated amid an industrial area, some of the buildings were being used for industrial-related office and warehouses, with commercial uses such as canteens, banks, metalware shops, convenience stores scattered at ground floors in the “OU(Business)” zone. Residential and hotel developments were also located in the vicinity of the application site. The proposed hotel development would help improve the existing urban environment. Being situated in the centre of an existing industrial area, wholesale conversion of the subject industrial building into hotel use would serve as a catalyst in

phasing out the current industrial uses within the “OU(Business)” zone. The proposed development would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. All concerned departments had no adverse comments on the application. As regards the public comment objecting to the application, the Commissioner for Transport had no adverse comments on the traffic concern raised and had no objection to the application and the traffic impact assessment from the traffic point of view. To ensure that the proposed development would not result in an increase in the intensity and physical bulk of the existing building, an approval condition to stipulate that the maximum GFA for the proposed hotel should be inclusive of the area for BOH facilities was recommended.

6. With reference to Plan A-1 of the Paper, a Member asked whether the subject case would be the first hotel application approved in the area. Mr. Y.S. Lee replied that there was a hotel development (Application No. A/KC/290) to the southwest of the application site approved by the Board on review and the details of the development were listed in Appendix II of the Paper. The Secretary supplemented that there were several approved planning applications on hotel development including Application No. A/KC/308, A/KC/364 etc. in the vicinity as shown in Plan A-1 and also section 7 of the Paper.

7. In response to the Chairman’s enquiry, Mr. Lee confirmed that the subject building was currently occupied by industrial uses.

#### Deliberation Session

8. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 2.12.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the proposed development was subject to a maximum gross floor area (GFA) of 10,722m<sup>2</sup>. Any floor space that was constructed or intended for

use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in the GFA calculation;

- (b) the design and provision of vehicular access, car park and loading/unloading layout to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development would be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. In addition, if hotel concession for the non-domestic PR of the development was not granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) to apply to the Redevelopment and Conversion of Industrial Buildings Team of LandsD for a special waiver under Practice Note Issue No. 1/2010 for conversion of the entire existing industrial building. LandsD would process the special waiver acting in its capacity as Landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions, including inter alia, payment of fees, as might be approved by LandsD;
- (c) to note the comments of the Director of Environmental Protection that

hotel/office developments were normally provided with central air conditioning system and the applicant/authorized persons should be able to select a proper location for fresh-air intake, as well as any sensitive uses, such as swimming pool and the like, during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisance/impact;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, BD to appoint an Authorized Person to submit building plans for the proposed change in use/alteration works to demonstrate full compliance with the current provisions of the Buildings Ordinance. The applicant's attention was drawn to the requirements of prescribed windows upon submission of building plans;
- (e) 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 Escape for Firefighting and Rescue which was administered by the BD; and
- (f) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department to submit documentary evidence showing that the BA had granted prior approval for the proposed use when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO). The proposed licence area should be physically connected and the siting of the proposal was considered acceptable from licensing point of view. Comments on the fire service installations provisions could not be offered at this stage due to insufficient information provided. The applicant's attention should be drawn to Paragraph 4.28 of Code of Practice for Minimum Fire Service Installations and Equipment. The licensing requirements would be formulated after inspections by the Building Safety Unit and Fire Safety Team of his office upon receipt of a licence application under HAGAO.

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

### **Kowloon District**

[Mr. Silas K.M. Liu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/664            Proposed Shop and Services  
                         in "Other Specified Uses" annotated "Business" zone,  
                         Factory Unit 1, G/F, Sing Win Factory Building,  
                         15-17 Shing Yip Street, Kwun Tong  
                         (MPC Paper No. A/K14/664)

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10.            The Secretary reported that Traces Ltd. was the consultant of the applicant. Ms. Julia Lau who was the director of this company had declared an interest in this item. The Committee noted that Ms. Lau had tendered apologies for being unable to attend the meeting.

#### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – concerned government departments had no objection/adverse comments;
- (d) during the first three weeks of the statutory publication period, one public

comment was received expressing support to the application without giving any reason. No local objection was received by the District Officer (Kwun Tong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or Industrial-Office buildings provided that the shop and services use would not induce adverse fire safety and environmental impacts. The proposed shop and services use was considered generally in line with the planning intention. Similar applications for shops and services use had been approved for other units on the G/F of other industrial buildings in the vicinity. The proposed shop and services use at the application premises also complied with the Town Planning Board Guidelines for Development within the “OU(Business)” Zone (TPB PG-No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. Relevant government departments consulted had no objection to the application. The total commercial floor area on the G/F of the subject building would be 307.50m<sup>2</sup> which was within the maximum permissible limit of 460 m<sup>2</sup> on the G/F of an industrial building with a sprinkler system. In this regard, Director of Fire Services had no objection to the application. There was also no objection to the application from the public.

- 12. Members had no question on the application.

#### Deliberation Session

- 13. 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 2.12.2013, 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 and equipment 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.

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

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

- (iv) the applicant should also pay attention to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the Building Authority 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, including:
  - (i) 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; and
  - (ii) the applicant was advised to consult the BD regarding fire resisting construction of the proposed shop and services from the industrial portion of the building.

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

**Agenda Item 5**

Any Other Business

15. The Secretary informed the meeting that the next meeting would be conducted on next Tuesday to consider the remaining cases originally scheduled to be considered at this meeting as the Board would resume its hearing of representations and comments in relation to the Tseung Kwan O Landfill Extension later in the day.

16. There being no other business, the meeting closed at 9:20 a.m..