

TOWN PLANNING BOARD

**Minutes of 456th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 6.12.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Professor P.P. Ho

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Professor S.C. Wong

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

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

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

Secretary

Absent with Apologies

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 C.M. Hui

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. L.P. Yau

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

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

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

Agenda Item 1

Matters Arising

[Open Meeting]

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

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 2

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/712 Proposed Shop and Services (Bank)
in “Other Specified Uses” annotated “Business(2)” zone,
G/F, 792 Cheung Sha Wan Road, Kowloon
(MPC Paper No. A/K5/712)

2. 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

3. Mr. Philip Y.L. Chum, STP/TWK, said that two replacement pages (page 7 and 8) of the MPC paper involving amendments to the departments consulted and the validity date of the planning permission respectively had been forwarded to Members before the meeting. With the aid of a visualizer, he then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application premises was part of the application site of a previously approved planning application (No. A/K5/524) for fast food shop use (G/F at 792-794 Cheung Sha Wan Road). The application was approved with conditions by the Committee on 21.3.2003. The subject premises currently formed part of a factory canteen. Two s.16 applications (No. A/K5/639 and A/K5/707) for shop and services uses on the G/F of the subject industrial building were approved by the Committee on 27.7.2007 and 2.9.2011 respectively. The total gross floor area (GFA) of 191.8m² was accountable for the maximum permissible commercial GFA of 230m² on the ground floor of the subject industrial building (without sprinkler systems);
- (b) the proposed shop and services (bank);
- (c) departmental comments – concerned government departments had no objection/adverse comment;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter suggested that congestion on the pavement outside the subject building during peak hours should be taken into account in considering the application. No local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The shop and services use under application was considered generally in line with the planning intention of “Other Specified Uses (OU) (Business)” zone which was intended for general business uses. The proposed shop and services (bank) use was not incompatible with the other uses of the subject industrial building which comprised a cake shop on the ground floor and various types of commercial operations on the upper floors. It complied with the Town Planning Board Guidelines for Development within “OU (Business)” zone (TPB PG-No. 22D) in that it would not induce significant

adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. The total commercial floor area for the shop and services use approved by the Committee on the ground floor of the subject building was 191.8m². Should the Committee approve the application, the total commercial floor area would remain unchanged since the applied shop and services (bank) use was regarded as ancillary to the industrial activities in the industrial building and was excluded from the calculation of the maximum permissible commercial floor area limit. Regarding the commenter's view that the on-street activities (i.e. selling newspapers and distribution of free newspapers) had caused congestion on the pavement during peak hours, the matter which was related to street management and public safety had been referred to the Director of Food and Environmental Hygiene and the Commissioner of Police for follow-up action.

4. Members had no question on the application.

Deliberation Session

5. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.12.2013, 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 at 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.

6. The Committee also agreed to advise the applicant of the following :
- (a) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of a temporary waiver or lease modification;
 - (b) 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;
 - (c) to note 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
 - (d) to note the comments of the Chief Building Surveyor/Kowloon, BD to appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, including the provision of :
 - (i) adequate fire resisting separation between the Premises and the remaining portion of the building in accordance with the Building (Construction) Regulation 90 and the Code of Practice for Fire Resisting Construction 1996; and
 - (ii) access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.

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

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

Agenda Items 3 and 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/379 Shop and Services (Property Agency) in “Industrial” zone,
Portion of Workshop B (B3), G/F, Effort Industrial Building,
Nos. 2-8 Kung Yip Street, Kwai Chung
(MPC Paper No. A/KC/379)

A/KC/380 Proposed Shop and Services (Property Agency) in “Industrial” zone,
Portion of Workshop B (B1 & B2), G/F, Effort Industrial Building,
Nos. 2-8 Kung Yip Street, Kwai Chung
(MPC Paper No. A/KC/380)

Presentation and Question Sessions

7. Mr. Y.S. Lee, STP/TWK, said that as the two applications were submitted by the same applicant applying for the same use at two adjoining premises, the applications would be presented together. With the aid of a visualizer, he then presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the latest similar application for shop and services (property agency) on the ground floor of the subject industrial building was approved by the Committee on 18.11.2011;
- (b) the shop and services (property agency);
- (c) departmental comments – concerned government departments had no objection/adverse comment;
- (d) for both applications, no public comment was received during the statutory publication period and no local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

applications based on the assessment made in paragraph 11 of the Papers. The planning intention of “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the Board based on individual merits and the planning assessment criteria outlined in the Town Planning Board Guidelines for ‘Use/Development Within “I” Zone’ (TPB PG-No. 25D). In this connection, the Director-General of Trade and Industry had no adverse comments on changing the industrial floor space into commercial use under the applications. The applied use was considered not incompatible with the other uses, such as bank, property agency, metalware workshop and convenience store, on the ground floor of the subject industrial building as well as industrial-related office uses and warehouses at the upper floors of the subject industrial building. Also, the area under application of about 18.184m² for Application No. A/KC/379 and 41.667m² for Application No. A/KC/380 were both small in scale, and would unlikely generate adverse traffic, environmental or infrastructural impacts on the surrounding areas. The applied use was generally in line with the TPB Guidelines No. 25D in terms of traffic, infrastructural and building aspects. The subject industrial building, which was sprinkler protected, was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F. The total floor area of the previously approved applications (about 139.611m²) plus the proposed floor area of 18.184m² in Application No. A/KC/379 and 41.667m² in Application No. A/KC/380 would be 199.46m², which was less than the maximum permissible commercial floor area of 460m². Director of Fire Services had no objection to the application subject to approval condition on the provision of fire services installations and fire safety measures.

8. Members had no question on the application.

Deliberation Session

9. After deliberation, the Committee decided to approve the applications, on a temporary basis for a period of 3 years until 6.12.2014, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission was subject to the following conditions :

Application No. A/KC/379

- (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 6.6.2012; 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.

Application No. A/KC/380

- (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 to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before 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.

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

Application No. A/KC/379

- (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 & Kwai Tsing, Lands Department (LandsD) that should the planning application be approved, the applicant was required to apply for a temporary waiver for the shop and services (property agency) use. The temporary waiver application 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) on the compliance with the provisions of the Buildings Ordinance (BO), in particular: (i) exit route as prescribed under BO should be maintained for the application premises; (ii) the application premises should be separated from the remaining of the building with fire resistance period of not less than 2 hours; and (iii) an Authorised Person should be appointed to coordinate building works except exempted works as defined in the BO s.41;
- (d) to note the comments of the Director of Fire Services that the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the BD should be complied with; and
- (e) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for further information on the fulfilment of the approval conditions herein.

Application No. A/KC/380

- (a) to note the comments of the District Lands Officer/Tsuen Wan & Kwai

Tsing, Lands Department (LandsD) that should the planning application be approved, the applicant was required to apply for a temporary waiver for the shop and services (property agency) use. The temporary waiver application 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;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the compliance with the provisions of the Buildings Ordinance (BO), in particular: (i) exit route as prescribed under BO should be maintained for the application premises; (ii) the application premises should be separated from the remaining of the building with fire resistance period of not less than 2 hours; and (iii) an Authorised Person should be appointed to coordinate building works except exempted works as defined in the BO s.41;
- (c) to note the comments of the Director of Fire Services that the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the BD should be complied with; and
- (d) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for further information on the fulfilment of the approval conditions herein.

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

Hong Kong District

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/394 Proposed Addition Works in “Other Specified Uses” annotated
 “Open Space and Historical Buildings Preserved
 for Cultural, Community and Commercial Uses” zone,
 No. 72, 72A, 74 and 74A Stone Nullah Lane,
 No. 2, 4, 6 and 8 Hing Wan Street, and
 No. 2, 4, 6 and 8 King Sing Street, Wan Chai

 (MPC Paper No. A/H5/394)

Presentation and Question Sessions

11. With the aid of a powerpoint, Mr. Louis K.H. Kau, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application site was known as the Blue House Cluster which consisted of “Blue House”, “Yellow House”, “Orange House” and a piece of government land. In August 2009, the Blue House Cluster was included in Batch II of the Revitalisation Scheme launched by the Development Bureau. St. James’ Settlement (SJS), i.e. the applicant of this planning application, was selected to take forward the revitalization of the Blue House Cluster. The SJS’s Consolidated Project Proposal aimed to renovate the Blue House Cluster into a multi-functional complex providing residential accommodation and various kinds of services to the local community, in the form of a social enterprise. The planned services included providing cultural and educational programmes, running heritage tours and operating two eateries to provide employment opportunities for the under-privileged. The historical buildings and the public open space would be open to the public.

The project was known as 'Viva Blue House' and the uses proposed were always permitted under the Approved Urban Renewal Authority (URA) Stone Nullah Lane/ Hing Wan Street/King Sing Street Development Scheme Plan (DSP) No. S/H5/URA2/2;

- (b) the proposed addition works were required to upgrade the existing buildings to modern building standards, comprising a link bridge, lift, underground fire services tank(s) and fire services pump and sprinkler rooms and façade beside Orange House;
- (c) departmental comments – the Commissioner of Heritage, Development Bureau (C of Heritage, DevB) fully supported the application. Other concerned government departments had no objection/adverse comment;
- (d) during the first three weeks of the statutory publication period, seven public comments were received. Six public comments (from a community planner, local residents and members of the public) supported the application, as it could preserve the historical characteristics of the Blue House Cluster; maintain the community network and engage community participation; retain the existing residence; improve the living environment; continue the story house for the history of Wan Chai; and contribute to the local economy and employment. Its bottom-up planning approach had the support of the residents of the Blue House Cluster, local organizations and the general public and could serve as a good example for other revitalization projects. The remaining public comment did not support the application mainly on the ground that the proposal would make this area less spacious and noisy; and
- (e) the District Officer (Wan Chai) advised that although the proposal of Revitalisation of the Blue House Cluster was once discussed at the Wan Chai District Council (DC) Meeting on 16.11.2010, details of the proposed addition works were not available for the DC members to carry out thorough discussion at the meeting. The addition works of such substantial scale, especially for the construction of link bridges, would inevitably bring noticeable visual changes to the Blue House Cluster. Given its unique

historical value, the addition works would very likely attract public and district personalities' attention. It was trusted that the Wan Chai DC would be consulted again before the commencement of the proposed addition works;

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The 'Viva Blue House' Project was to facilitate the conservation of the historical buildings within the application site, adaptive reuse of the conserved buildings for cultural, community and commercial uses, and the provision of public open space. The uses proposed, including Wan Chai Livelihood Place and the multi-purpose room, residential units for existing or new tenants, shop for existing tenant, social enterprise and Community Oriented Mutual Economy Hall and its ancillary office and management offices, were always permitted and generally in line with the planning intention of the subject "Other Specified uses" ("OU") zone. The proposed addition works (comprising a link bridge, lift, underground fire services tank(s) and at-grade fire services pump and sprinkler rooms and a façade beside Orange House) were mainly for compliance with the modern day building requirements such as barrier free access and fire safety. The scale of new addition works, in terms of its height and floor area was considered compatible with the Blue House Cluster. No significant alteration to the bulk of the existing buildings in the Blue House Cluster was envisaged. The provision of the public open space of not less than 220m² complied with the requirement under the DSP.

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 6.12.2015, 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 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to liaise with the Water Supplies Department on the diversion of any affected fresh and salt water mains within the application site and the interface issue with their Stage 4 water mains replacement and rehabilitation project;
- (b) to note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department regarding the green coverage, hard/ soft landscape considerations and facilities for the proposed public open space within the application site should be in accordance with the Public Open Space in Private Developments Design and Management Guidelines; and
- (d) to note the comments of the District Officer/Wan Chai regarding the need to consult the Wan Chai District Council before the commencement of the proposed addition works.

[The Chairman thanked Mr. Louis K.H. Kau, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/247 Proposed Hotel
 in “Other Specified Uses” annotated “Business(1)” zone,
 64 Wong Chuk Hang Road, Wong Chuk Hang
 (MPC Paper No. A/H15/247)

15. 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

16. With the aid of a powerpoint, Miss Isabel Y. Yiu, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that among the 20 approved similar applications on 14 sites for hotel development in the “Other Specified Uses (Business)” (“OU(B)”) zone, hotel development on one site had been completed and planning permissions for eight sites had lapsed while five sites were still valid;
- (b) the proposed hotel;
- (c) departmental comments – concerned government departments had no objection/adverse comment;
- (d) during the first three weeks of the statutory publication period of the application, three public comments were received from the Central & Western Concern Group, Designing Hong Kong Limited and a member of the public. The Central & Western Concern Group objected to the application on grounds that the area was saturated with existing and future

hotel developments, and that new office developments and the retention of existing factory buildings were required to avoid the creation of imbalance in the uses and needs of urban land. Designing Hong Kong Limited objects to the application on grounds that the traffic generated by the proposed hotel would further contribute to traffic congestion in the Southern District, and the Board should restrain new development and refrain from allowing a further increase in density and traffic in the southern part of Hong Kong Island until it had satisfied itself that future transport and traffic were sustainable. The member of the public expressed concern that there were not enough parking spaces. During the first three weeks of the statutory public inspection period of the further information, two public comments were received including one from Designing Hong Kong Limited which was the same as the one submitted for the application, and one from ExxonMobil Hong Kong Limited. ExxonMobil Hong Kong Limited made suggestions on the detailed building design such as the provision of a concrete slab on the foundation to prevent gas vapour intrusion. The company also expressed the view that the loading and unloading bays of the proposed hotel should be located at Yip Fat Street, instead of Wong Chuk Hang Road where the egress of the petrol filling station (PFS) to the east of the application site was located. No local objection 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 assessment made in paragraph 10 of the Paper. The proposed hotel development was in line with the planning intention of the “OU(B)1” zone which was primarily for general employment uses. In particular, it would help facilitate the transformation of the Wong Chuk Hang area into a business area. It was also considered not incompatible with the surrounding developments in terms of land use. The application was for in-situ conversion of an existing industrial building involving about 7,185.79m² of gross floor area (GFA) (equivalent to a plot ratio PR of 14.98), including additional plant rooms and back-of-house (BOH) facilities, for hotel use. There was no change in the existing building bulk and the building height (BH) of the proposed hotel (i.e. 84.92mPD) was well

within the maximum BH of 120mPD stipulated under the Outline Zoning Plan for the application site. The proposed in-situ conversion of the existing building for hotel use was not expected to cause any adverse visual impact on the surrounding areas. In this regard, the Chief Architect/Advisory Statutory Compliance, Architectural Services Department and the Chief Town Planner/Urban Design and Landscape, Planning Department had no adverse comments on the application. To ensure that the proposed conversion would not result in an increase in the physical bulk of the existing building, an approval condition to stipulate that the maximum GFA for the proposed hotel should be inclusive of the area for additional plant rooms and BOH facilities was recommended. The proposed hotel was located in close proximity to a PFS with liquefied petroleum gas filling facilities to its east. In accordance with the requirements of the Director of Fire Services (D of FS), a minimum separation distance of 12m had been maintained between any opening and/or non-fire resistance elements of the proposed hotel and the nearest fill point of the nearby PFS. Moreover, the applicant had undertaken that the required 2-hour fire resisting period (FRP) construction and all fire service installations including a drencher system and water supplies for firefighting would be provided to the satisfaction of D of FS. In this regard, an approval condition requiring the provision of FRP construction, water supplies for firefighting and fire service installations had been recommended. The proposed hotel development was considered acceptable in traffic, environmental and infrastructural terms. Concerned government departments had no objection to or no comment on the application. Regarding the public comments on the possible adverse traffic impact induced by the proposed hotel development, the Commissioner for Transport considered that the Traffic Impact Assessment and the proposed parking provision, layout and arrangement were acceptable. As regards the public comments against the saturation of existing and future hotel developments in the area, it should be noted that not all the sites with planning approval for hotel development would be implemented. Out of the 14 sites with planning permissions for hotel development, only one hotel development had been completed and five planning permissions for hotel development

remain valid. Regarding the suggestions on the building design such as the provision of a concrete slab on the foundation, the application was for in-situ conversion and all building and fire safety requirements would have to be complied with when implementing the proposed hotel development. On the view that loading and unloading bays of the proposed hotel should be located at Yip Fat Street, there was no vehicular entrance proposed at Wong Chuk Hang Road for the hotel.

17. Members had no question on the application.

Deliberation Session

18. 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 6.12.2015, 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 hotel development was subject to a maximum gross floor area (GFA) of 7,185.79m². Any floor space that was constructed or intended for use as additional plant rooms, and back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in GFA calculation;
- (b) the design and provision of the internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;

- (e) the provision of fire resisting construction, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

19. 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 apply to the District Lands Officer/Hong Kong West & South, Lands Department for the lease modification for the hotel development at the site;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, BD in paragraph 8.1.2 of the Paper regarding the requirements laid down under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40, the provision of natural lighting and ventilation for guest rooms, and the provision of access and facilities for persons with disability;
- (d) to note the comments of the Commissioner for Transport in paragraph 8.1.3 of the Paper regarding the requirement to maintain a 3.5m footpath along Wong Chuk Hang Road at the time of redevelopment and the imposition of a 24-hour no stopping restriction along Wong Chuk Hang Road;
- (e) to note the comments of the Chief Engineer/Hong Kong & Islands,

Drainage Services Department in paragraph 8.1.6 of the Paper regarding the submission of drainage and sewerage connection plans with supporting hydraulic calculations;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 8.1.11 of the Paper regarding the provision of landscape planting on façade, podium and roof of the proposed development;
- (g) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department in paragraph 8.1.13 of the Paper regarding the licensing requirements for hotel use under the Hotel and Guesthouse Accommodation Ordinance; and
- (h) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

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

[Professor P.P. Ho arrived to join the meeting at this point.]

Kowloon District

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/K13/1 Application for Amendment to the
Approved Ngau Tau Kok & Kowloon Bay
Outline Zoning Plan No. S/K13/25
from “Residential (Group A)” to “Residential (Group A) 1”
and Incorporation of the Remarks of the Notes for the
“Residential (Group A) 1” zone to Reflect the Planning Intention to
Preserve and Integrate the Historic Buildings, to Promote the Provision
of Tourism Supporting Facilities, and to Enhance Public Accessibility to
Public Transportation Facilities and Historic Sites,
53, 53A, 55 and 55A Kwun Tong Road, Kowloon
(NKILs 167 sB, 167 RP, 168 sB and 168 RP)
(MPC Paper No. Y/K13/1)

20. The Secretary reported that Ove Arup & Partners Hong Kong Ltd (Ove Arup) and the University of Hong Kong (HKU) were the consultants of the applicant. Professor S.C. Wong who had current business dealings with Ove Arup and was a staff member of HKU declared an interest in this item. As Professor Wong was not involved in the application and the applicant had requested a deferral of consideration of the application, Members agreed that Professor Wong could stay in the meeting.

21. The Secretary further reported that Mr. K. Y. Leung who was employed by HKU had also declared an interest in this item. As the applicant had requested a deferral of consideration of the application, Members agreed that Mr. Leung could stay in the meeting.

22. The Committee noted that the applicant’s representative requested on 17.11.2011 for deferment of the consideration of the application for three months in order to allow time to address departmental comments and concerns.

23. Other than the request for deferment submitted by Ove Arup, the Secretary said that Philip T.F. Wong & Co. Solicitors, on behalf of the applicant, had submitted two letters (dated 16.11.2011 and 28.11.2011) requesting deferral of consideration of the further

representation of draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/26 and the subject s.12A application. While the first letter had been replied by the Secretary of the Board on 24.11.2011 and 25.11.2011, the second letter was yet to be replied subject to further legal advice.

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 also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that three months were allowed for preparation of the submission of further information, and since a total of 5 months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/K10/242 Proposed Flat, Shop and Services in “Residential (Group E)” zone,
84 To Kwa Wan Road, Ma Tau Kok
(MPC Paper No. A/K10/242)

25. The Committee noted that the applicant’s representative requested on 14.11.2011 for deferment of the consideration of the application for two months in order to allow time to address departmental comments and concerns.

26. 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.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/204 Columbarium in “Government, Institution or Community” zone,
Pu Tong Ta, Chi Lin Nunnery, Diamond Hill
(MPC Paper No. A/K11/204)

Presentation and Question Sessions

27. 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 highlighting that the Pu Tong Ta (PTT) had been in place since the establishment of the Chi Lin Nunnery in 1934. The urn spaces were allocated to the deceased nuns of the Nunnery, the elderly who passed away at the elderly home of the Nunnery and to other persons who were closely related to the Nunnery. The PTT currently accommodated 1,706 urn spaces which was about one quarter of the floor area of the PTT. It was estimated that the PTT could accommodate a maximum of 6,800 urn spaces, which was 4 times of the current number of urn spaces. The 6,800 urn spaces included the existing 1,706 urn spaces and the proposed 5,094 urn spaces. The applicant indicated that it would take more than 100 years to fill up the PTT assuming an annual increase of 50;
- (b) the columbarium;
- (c) departmental comments –the District Lands Officer/Kowloon East (DLO/KE), Lands Department advised that a retrospective approval was given by the Director of Lands on 2.2.2011 for columbarium use within the existing PTT erected on the lot in accordance with the relevant building

plans approved by the Building Authority on 24.7.1997 and 16.10.1997 as an ancillary facility of the Monastery to serve the following 3 types of deceased persons, i.e. Type 1: deceased ascetics (出家人) of Chi Lin Nunnery, Type 2: deceased residents of the Home (as defined in SC(13)(a) of the Conditions) (including ascetics and non-ascetics 在家人), and Type 3: deceased ascetics and non-ascetics who had close relationship or connection with and provided long term support to Chi Lin Nunnery, or who made important contribution to Hong Kong. DLO/KE had no objection to the subject planning application for columbarium use within the existing PTT to serve the above 3 types of deceased persons only. The Secretary for Food and Health (SFH) and Director of Food and Environmental Hygiene (DFEH) considered that the proposed regularisation application was, in principle, in line with the policy objective to increase the supply of authorised columbarium urn spaces in both public and private sectors to meet the increasing public demand. Other concerned government departments had no objection/adverse comment;

- (d) during the first 3 weeks of the statutory public inspection period, a total of nine public comments were received. Seven commenters, including a Wong Tai Sin District Councillor, a sub-division of Democratic Party and five individuals, objected to the application. The grounds of objection included that it was suspected that the columbarium use violated the lease conditions; the columbarium use would have adverse traffic impact on the local road network during Ching Ming and Chung Yeung Festivals; the Nunnery had not provided sufficient information to demonstrate the users of the urn spaces; and the Nunnery was a place to promote Buddhism, rather than a place to sell urn spaces for profit. The urn spaces which were sold at a high price would not benefit the public. Two individual commenters supported the application mainly on the grounds that the columbarium could meet the acute shortage of urn spaces provision in Hong Kong; the application premises was close to the Mass Transit Railway Station and would not have adverse traffic impacts; and the columbarium was compatible with the surrounding and would not have adverse visual impact. No local objection was received by the District

Officer (Wong Tai Sin); 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 columbarium use generally complied with the Town Planning Board Guidelines No.16 on “Application for Development/Redevelopment within "Government, Institution or Community" Zone for Uses other than Government, Institution or Community (GIC) Uses under Section 16 of the Town Planning Ordinance”. Noting the restricted use of the urn spaces by the 3 specific types of deceased persons, it was considered that the columbarium was not incompatible with the GIC uses on the site. The application premises was situated in the north-western corner of the Nunnery secluded from residential developments in the surrounding area. It was surrounded by the remaining parts of the Nunnery, the “Green Belt” zone in the north and the west, the schools in the east and open space in the south, which provided a sufficient buffer between the application premises and the residential developments including Grand View Garden and the Galaxia. Also, the application premises could blend in well within the Nunnery as the design was in the same architectural language of other building structures of the Nunnery. Therefore, the application premises was not incompatible with the surrounding uses. Moreover, it was unlikely that the columbarium use would generate adverse environmental and traffic impacts on the surrounding areas. On environmental aspect, the applicant indicated that the burning of dedication materials by the worshippers had been discontinued for a number of years and the policy would be continued in the Nunnery. As such, the Director of Environmental Protection had no objection to the application. On traffic aspect, the applicant indicated that there were no appreciable changes/increases in the number of vehicles entering the Nunnery during Ching Ming and Chung Yeung Festivals as compared with other days in the same weeks. Noting that the maximum number of 6,800 urn spaces in future would be increased at a rate of around 50 urn spaces per year as estimated by the applicant and the Nunnery was in close proximity to public transport, the Commissioner for Transport had no adverse comment on the application. Also, as the urn spaces were

restricted to serve the 3 types of deceased persons as specified under the lease, it was expected that the traffic generated would be limited.

28. With reference to the site photos in Plans A-5 and A-6, a Member asked where the proposed additional 5,094 urn spaces would be located as it appeared from the photos that levels 1 and 3 were already occupied. Mr. Richard Siu, STP/K, clarified that all the urn spaces would be accommodated within levels 1, 2 and 3 of PTT. Some of the urn spaces at levels 1 and 3 were not yet occupied for storage of human ashes.

29. In response to the Chairman's enquiry, Mr. Siu replied that there was no information on the charge for the urn spaces but the applicant had claimed that the urn spaces were not for commercial use.

30. In response to a Member's question, the Chairman clarified that columbarium use was a column 2 use under "Government, Institution or Community" ("G/IC") zone and planning permission was required.

31. Referring to the approval condition in para. 12.2(a), a Member commented that the term 'ascetics' did not only refer to 出家人 but also people leading an austere life and 'people who made important contribution to Hong Kong' would be difficult to define. The same Member said that better wording might be used in the approval condition of the planning permission.

Deliberation Session

32. The Secretary explained that the approved condition (a) had mainly followed the terms used in the lease and it would be prudent to follow the same wording. The Chairman added that as the proposed columbarium would also serve people with close relationship with Chi Nin Nunnery and people who made contribution to society, the columbarium use could not be considered as ancillary use to a religious institution. As such, planning permission was required.

33. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission was

subject to the following conditions :

- (a) the urn spaces should be restricted to serve deceased ascetics of Chi Lin Nunnery, deceased residents of the care and attention home for the elderly (including ascetics and non-ascetics) within Chi Lin Nunnery and deceased ascetics and non-ascetics who had close relationship or connection with and provided long term support to Chi Lin Nunnery, or who made important contribution to Hong Kong; and
- (b) no burning of dedicated materials including incense/joss sticks would be allowed in the Nunnery at present and in future.

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

- (a) the approval of the application did not imply that the necessary approvals would be given by any government departments. The applicant should approach the relevant government departments direct for any necessary approvals;
- (b) to note the comments of the Secretary for Food and Health and the Director of Food and Environmental Hygiene that the columbarium operation still needed to comply with other statutory requirements and lease conditions now enforced by relevant government departments; and
- (c) to note the comments of the Commissioner of Police that measures to ensure the public safety as a result of the increase of worshippers inside the Nunnery as well as measures to facilitate the crowd management and traffic control should be implemented in consultation with relevant authorities.

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

[Mr. Edmond S.P. Chiu, Town Planner/Kowloon (TP/K), was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/665 Proposed Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Workshop 3, G/F, Hewlett Centre, 54 Hoi Yuen Road, Kwun Tong
 (MPC Paper No. A/K14/665)

Presentation and Question Sessions

35. Mr. Edmond Chiu, TP/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 comment;
- (d) during the first three weeks of the statutory public inspection 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 (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. Similar applications for shops and services use had been approved for other units on the ground floor of other industrial

buildings in the vicinity. The proposed shop and services use at the application premises was considered generally in line with the planning intention. It 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. There was also no public objection to the proposed use. Should the Committee approve the current application, the total commercial floor area on the ground floor of the subject building would be 460m² which was within the maximum permissible limit of 460m² on the ground floor of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application.

36. Members had no question on the application.

Deliberation Session

37. 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 6.12.2013, 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.

38. 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 2 hours fire resisting separation walls/floor between the application premises and the remaining portion of the existing building on G/F in accordance with Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction;
 - (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 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, as well as issues related to means of escape.

[The Chairman thanked Mr. Edmond S.P. Chiu, TP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 11

Any Other Business

39. There being no other business, the meeting closed at 10:00 a.m..