

TOWN PLANNING BOARD

Minutes of 457th Meeting of the Metro Planning Committee held at 9:00 a.m. on 16.12.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor P.P. Ho

Ms. Julia M.K. Lau

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 To

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

Senior Environment Protection Officer (Metro Assessment)
Environmental Protection Department
Mr. Colin Keung

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

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

Secretary

Absent with Apologies

Dr. Winnie S.M. Tang

Ms. Maggie M.K. Chan

Mr. Maurice W.M. Lee

Professor C.M. Hui

Mr. Laurence L.J. Li

In Attendance

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

Chief Town Planner/Town Planning Board
Ms. Maggie Chin

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

Agenda Item 1

Confirmation of the Draft Minutes of the 455th MPC Meeting held on 2.12.2011 and 456th MPC Meeting held on and 6.12.2011

[Open Meeting]

1. The draft minutes of the 455th MPC meeting held on 2.12.2011 and 456th MPC meeting held on 6.12.2011 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. C.K. Soh, 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/K2/201 Proposed Commercial Bathhouse/Massage Establishment
in “Residential (Group A)” zone,
Shop D1, Ground Floor and Whole of First Floor, Kam Wah Building,
831A-831H and 831J to 831L Canton Road,
24, 26 and 26A Pitt Street, Kowloon
(MPC Paper No. A/K2/201)

Presentation and Question Sessions

3. With the aid of a visualizer, Mr. C.K. Soh, STP/TWK, presented the application

and covered the following aspects as detailed in the Paper :

- (a) background to the application. There was no previous application at the premises. However, there were 14 similar applications for ‘commercial/bathhouse’ and/or massage establishment’ uses within “Residential(Group A)” (“R(A)”) zone for Yau Ma Tei since 1995. All of them were approved with conditions by the Town Planning Board (the Board);
- (b) the proposed commercial bathhouse/massage establishment;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
 - (i) during the statutory publication period, 143 public comments (including 938 signatures included in Commenter C11) were received from local stakeholders and residents. The comments were submitted by the Incorporated Owners (IO) of the subject building, Kam Wah Building; the IOs of the nearby buildings and the Yau Ma Tei Concern for Resident Rights Association. Moreover, the Chairman and a Councillor of Yau Tsim Mong District Council indicated that they had received a number of comments from the nearby owners’ corporations. The commenters strongly objected to the application mainly on the grounds that –
 - the proposed commercial bathhouse/massage establishment was considered incompatible with the surrounding residential developments;
 - the proposal would bring about adverse security issues;
 - the proposal would increase risk of fire hazard;
 - the proposal would have light pollution, thus causing nuisance to the residents; and
 - the proposal would set a bad precedent for similar use at the subject building;

- (d) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarized below:
- (i) the premises was located at the inner street (i.e. junction of Canton Road and Pitt Street) away from the busier Nathan Road, which was predominantly a residential area with the lower floors for local retail shop uses. Commercial uses such as shops and restaurants were commonly found on ground/lower floors of the buildings. There were no commercial bathhouse and/ or massage establishment in the vicinity of the subject building. Although there were previous approved planning applications for 'Commercial Bathhouse/Massage Establishments' uses within the "R(A)" zone in Yau Ma Tei, these applications involved premises either located within pure commercial buildings or in the busier areas of Yau Ma Tei along Portland Street, Temple Street and Jordan Road;
 - (ii) the proposed commercial bathhouse/massage establishment, situated within a predominantly residential neighbourhood, was not in line with the Town Planning Board Guidelines No. 14B for 'Application for Commercial Bathhouse and Massage Establishment under Section 16 of the Town Planning Ordinance' (TPB PG-No. 14B) in that the proposed commercial bathhouse/massage establishment would normally not be permitted within a residential neighbourhood. According to TPB PG-No. 14B, the views of local residents on the proposed commercial bathhouse/massage establishments would have to be taken into account. In this regard, it was noted that 143 public comments, including those from local stakeholders objected to the proposed commercial bathhouse/massage establishment; and
 - (iii) the approval of the application would set an undesirable precedent for similar commercial bathhouse and/or massage establishments to intrude into the residential neighbourhood, the cumulative effect of which would adversely affect the general character of the area.

4. A Member noted that the relevant premises were previously used for a restaurant. This Member asked whether restaurant use was considered compatible with the residential use. Mr. C.K. Soh, STP/TWK, said that restaurant, which regarded as 'eating place' use, was always permitted on the lowest three floors of a purpose-designed residential building under the "R(A)" zone of the OZP. However, commercial bathhouse/ massage establishment was a Column 2 use, for which planning permission from the Board would be required. Mr. C.K. Soh also said that the restaurant, which served the local residents, was considered compatible with the residential use.

5. In response to the same Member's question on the similar applications approved by the Board, Mr. C.K. Soh replied that the Board had previously approved 14 applications for 'Commercial Bathhouse' and/or 'Massage Establishments' uses in the vicinity. By making reference to Plan A-1 of the Paper, Mr. C.K. Soh explained that these 14 commercial bathhouses and/or massage establishments were located within a pure commercial building or within mixed residential/commercial development and were located in the busier areas of Yau Ma Tei along Portland Street, Temple Street and Jordan Road. For the subject building, it was located in a predominantly residential area with retail shops on lower floors. The proposed commercial bathhouse and massage establishment was considered incompatible with the residential developments and might cause nuisance to the residents of the building. In this regard, there were 143 public comments received from local stakeholders and residents who strongly objected to the application due to the possible nuisance generated by the proposed use. The approval of the application would also set an undesirable precedent for similar commercial bathhouse and/or massage establishments to intrude into the residential neighborhood.

Deliberation Session

6. The Chairman said that although the subject premises was located within the non-domestic portion of a composite building and it was directly accessible from the main entrance at the shop front on ground floor facing Canton Road, there were strong local objection against the application mainly on the grounds that the proposed commercial bathhouse/massage establishments would cause nuisance to the residents.

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

7. A Member opined that the application should not be supported as the premise was located within an area with predominantly residential developments. The proposed commercial bathhouse/massage establishment might cause nuisance to the local residents in the neighbourhood. The applied commercial bathhouse/massage establishments previously approved by the Board were mainly located in mixed residential/commercial buildings or pure commercial building.

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

- (a) the proposed commercial bathhouse and massage establishment was within a residential neighbourhood and considered incompatible with the residential use in the area; and
- (b) the approval of the application would set an undesirable precedent for similar applications in the vicinity.

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

[Messrs. Clarence W.C. Leung and David To arrived to join the meeting at this point.]

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/714 Proposed Shop and Services for a Period of 4 Years
in "Other Specified Uses" annotated "Business(2)" zone,
Unit No. 5B (Portion), G/F, Lai Cheong Factory Building,
479-479A Castle Peak Road, Kowloon
(MPC Paper No. A/K5/714)

Presentation and Question Sessions

9. With the aid of a visualizer, 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 proposed shop and services for a temporary period of four years;
- (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 was received objecting to the application mainly on the grounds that the proposed ‘Shop and Services’ use would exacerbate the traffic condition, which would bring further inconvenience and potential danger to road users and pedestrians. The commenter also raised concern on fire safety in the light of the fire incident at the subject building (occurred on 3.8.2010) that led to a casualty and a few injuries; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed for greater flexibility in the use of the existing industrial or industrial-office buildings provided that the use would not result in adverse fire safety and environmental impacts. The proposed ‘Shop and Services’ use under application was not incompatible with the other uses of the subject industrial building. The proposed ‘Shop and Services’ use 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 to the developments within the subject building and the adjacent area. Should the Committee approve the application, the aggregate commercial floor area approved by the Committee on the ground

floor of the subject building would be 46.94m², which was within the maximum permissible limit of 460m². It was noted that the premises under application was not separated from the remaining portion of Unit No. 5B, which was also vacant. Nevertheless, the entrance of the premises facing Castle Peak Road provided a means of escape. Both the Director of Fire Services and Chief Building Surveyor/Kowloon, Buildings Department had no objection to the application but advised the applicant on the requirement of fire resisting separation between the premises and the remaining portion of the subject building. In this regard, appropriate approval condition and advisory clauses had been recommended in paragraph 12.2 of the Paper. Furthermore, as regards the commenter's concern on the traffic condition, the Commissioner for Transport considered that the proposed 'Shop and Services' use would not exacerbate the current traffic condition as the scale of the proposed use was small.

10. Members had no question on the application.

Deliberation Session

11. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 4 years until 16.12.2015, 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 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.

12. 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.]

[Mr. Colin Keung left the meeting temporarily at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/360 Proposed Public Utility Installation (Elevated Concrete Platform with Steel Gantry above and at-grade Concrete Trough for 400kV Connection to Lai Chi Kok 400kV Electricity Substation) in “Green Belt” zone,
Government Land Adjoining New Kowloon Inland Lot 5980 (Lai Chi Kok 400kV Electricity Substation), Kwai Chung
(MPC Paper No. A/KC/360)

13. The Secretary reported that the application was submitted by CLP Power Hong Kong Limited with Gammon Construction Ltd. as the consultant. Mr. Raymond Y.M. Chan had business dealings with Gammon Construction Ltd.. As Mr. Chan had no direct involvement in the application, Members agreed that Mr. Chan could stay in the meeting.

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

Presentation and Question Sessions

14. 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 proposed public utility installation (elevated concrete platform with steel gantry above and at-grade concrete trough for 400kv connection to Lai Chi Kok 400kV electricity substation (LCK ESS)). The proposal involved felling of 54 nos. of trees and planting 129 nos. of trees as compensatory planting, in which 17 nos. of them would be planted within the site, 5 nos. within the adjoining LCK ESS and 107 nos. on road-side government land surrounded by roads;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three week of statutory publication period and the subsequent statutory publication periods for further information submitted by the applicant, no public comment 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 summarized below:
 - (i) although there was a general presumption against development under the planning intention of the “Green Belt” (“GB”) zone, the proposed development could be considered as an essential public utility project. The proposed development, which formed part of the Yuen Long-Lai Chi Kok 400kV Overhead Transmission Circuit No. 2 (YUE-LCE 400kV No.2 Circuit), would provide additional electricity supply to relieve the anticipated electricity overloading in Lai Chi Kok and Kwai Chung from 2015 onwards to cater for the increasing population, economic activities as well as the critical facilities such as the Princess Margaret Hospital and the container terminals. As such, the proposed development was essential to ensure the reliability of future electricity supply;
 - (ii) the proposed development was considered to be in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under Section 16 of the Town Planning Ordinance’ in that the applicant had spent effort to explore alternative sites for the proposed development. Only one site located to the north of the application site might be suitable for the proposed development. The applicant had conducted technical assessments on the feasibility of this alternative site and revealed that if the proposed gantry was relocated to the alternative site, Pylon 4CPH2 had to be strengthened and such works would result in

the outage of YUE-LCK 400kV No. 1 Circuit for 16 months. In this regard, the Director of Electrical and Mechanical Services (DEMS) advised that as far as electricity supply safety and reliability were concerned, the de-energization of the existing YUE-LCK 400kV No. 1 Circuit was undesirable to the electricity supply and reliability in Hong Kong and electricity supply should not be interrupted. In view of the above, relocation of the proposed gantry from the site to the alternative site would not be practical and the site was the only suitable location for the proposed development;

- (iii) the proposed development would not have adverse traffic, environmental and visual impacts on the surrounding area. In this regard, relevant government departments including the Commissioner for Transport, Director of Environmental Protection, Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD & L, PlanD) had no adverse comments on the application;
- (iv) as regards the proposal to replant 129 nos. of trees, the applicant undertook to provide lifetime maintenance of all the compensatory trees. The Director of Agriculture, Fisheries and Conservation, Director of Leisure and Cultural Services and CTP/UD&L, PlanD had no adverse comments on the proposed tree felling and compensatory tree planting. Appropriate approval conditions on the implementation of all the compensatory trees prior to the execution of supplementary licence agreement for the proposed gantry and the inclusion of supplementary licence agreement for the proposed gantry and the inclusion of such provision during the land transactions had been recommended in the Paper. Moreover, to ensure that the existing trees within the soil nailing works area would not be affected by the above works, an approval condition had been recommended in paragraph 12.2(a) of the Paper.

15. Members had no question on the application.

Deliberation Session

16. 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 16.12.2015, 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 submission and implementation of landscape and tree preservation proposals, including proposal on compensatory tree planting and proposal to minimize adverse impact on existing trees within the soil nailing area, to the satisfaction of the Director of Planning or of the TPB;
- (b) any required land transaction to effect the proposed gantry development, if considered and approved by the Director of Lands, should not be executed prior to the compliance with condition (a) to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a detailed natural terrain hazard study and the implementation of the proposed slope stabilization works therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (d) the provision of fire service installations and water supply for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that should the application be approved by the TPB, the applicant should apply to LandsD for all required land transactions to effect its proposal. Such application would be considered by LandsD as landlord at its sole discretion. It would also be subject to such terms and conditions as might be imposed by LandsD including inter

alia, the payment of premium/fee and administrative fee. Regarding the compensatory tree planting within the Site, consideration and approval on planting proposal on the application, if grant, and NKIL 5980 would be given upon formal submission from the applicant under their respective leases as appropriate. Regarding the applicant's landscaping and future maintenance liability on the two proposed sites for compensatory tree planting, LandsD would include appropriate provisions in the land document. There was no commitment that the Government would approve the application. Furthermore, if any clearance of land was required, the applicant was responsible for all the costs involved such as clearance cost, compensation fee, overhead, etc.;

- (b) to submit the life-long maintenance proposals for the compensatory tree planting and to implement the life-long maintenance of the compensatory tree planting, as proposed by the applicant, to the satisfaction of the Director of Lands;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comment that if the works were carried out on government land without the granting of a tenancy, then the works were exempted from the provisions of the Buildings Ordinance (BO). If the works were carried out on land subject to a tenancy granted by LandsD, then the works would be subject to the control of the BO and the applicant's attention was drawn to the following :
 - (i) if the application site did not abut on any specified street, Building (Planning) Regulation 19(3) applied;
 - (ii) provision of Emergency Vehicular Access; and
 - (iii) formal submission for approval under BO;
- (d) to note the comments of the Director of Electrical and Mechanical Services on electricity safety as stated below :

- (i) a minimum 5.5m safety clearance between the lowest point of the 400kV overhead line conductors and the adjacent buildings/structures of the development should be maintained at all directions;
 - (ii) the roof of the development should not be accessible;
 - (iii) no scaffolding, crane and hoist should be built or operated within 6m from the conductors of the 400kV overhead lines at all times. CLP Power Hong Kong Limited should provide the safety precautions for carrying out any works in the vicinity of the 400kV overhead lines, if required;
 - (iv) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
 - (v) as regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant should be warned of possible undue interference to some electronic equipment underneath the overhead lines;
- (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 Buildings Department;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department’s (CE/D(2), WSD) that the applicant should duly take into account the future waterworks and make the following provisions :
- (i) no permanent works should be constructed within 1.5m from the

centreline of the proposed water main (the Area);

- (ii) no structure should be erected over the Area and the Area should not be used for storage purposes;
 - (iii) the Water Authority and his officers and contractors, his or their workmen should have free access at all times to the Area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise; and
 - (iv) it was noted that the proposed soil nailing area marginally encroaches into the Area. As such, the soil nailing area would have to be adjusted to avoid the conflicts.
- (g) to note the comments of the Director of Leisure and Cultural Services that tree removal for private project was under the control requirements of Lands Administration Office Practice Note Issue No. 7/2007 instead of Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006. Furthermore, the future maintenance responsibility of the compensatory trees would be borne by the applicant; and
- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that a detailed natural terrain hazard study (NTHS) would be required and those slopes would be assessed/upgraded if found necessary to the current safety standards. The applicant was reminded of the above requirements and submit the NTHS, the stability assessment and stabilization works proposal to the Building Authority for approval as required by the provisions of the BO. Any necessary stabilization works should be carried and paid for as part of the development.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/KC/373 Proposed Hotel in “Other Specified Uses” annotated “Business” zone,
26-38 Ta Chuen Ping Street, Kwai Chung
(MPC Paper No. A/KC/373A)

18. The Secretary reported that the application was submitted by CRM One Ltd. with Raymond Chan Surveyors Ltd. as the consultant. Mr. Chan had declared an interest in this item as he was the director of this company. The Committee noted that Mr. Chan had already left the meeting temporarily.

19. The Committee noted that on 5.12.2011, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments from the Commissioner of Police.

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

[Mr. Colin Keung returned to join the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting]

A/KC/381 Proposed Hotel and Public Vehicle Park (excluding container vehicles)
in “Other Specified Uses” annotated “Business” zone,
75-87 Wo Yi Hop Road, Kwai Chung
(MPC Paper No. A/KC/381)

21. The Committee noted that on 28.11.2011, the applicants had requested for deferment of the consideration of the application for two months in order to allow time for the applicants to address the departmental comments from Drainage Services Department and Environmental Protection Department regarding the sewerage impact assessment and air quality impact assessment.

22. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. The Committee also agreed to advise the applicants 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. Raymond Y.M. Chan returned to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/114 Proposed Residential Institution
 (Redevelopment of Fok Ying Tung Hall of Residence)
 in “Government, Institution or Community” zone,
 Hong Kong Institute of Vocational Education (Tsing Yi),
 20, 20A and 22 Tsing Yi Road, Tsing Yi
 (Tsing Yi Town Lot 123)
 (MPC Paper No. A/TY/114A)

23. The application was submitted by Vocational Training Council (VTC) with Ove Arup & Partners Hong Kong Ltd. (Arup) as the consultant, the following Members had declared interests in this item:

- Mr. Clarence W.C. Leung - his father was the Chairman of VTC
- Professor S.C. Wong - had current business dealings with Arup

24. The Committee noted that Professor Wong had not yet arrived to join the meeting. The Committee considered that Mr. Leung’s interest was direct and he was invited to leave the meeting temporarily in this item.

[Mr. Clarence W.C. Leung left the meeting temporarily at this point.]

Presentation and Question Sessions

25. 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;
- (b) the proposed redevelopment of the existing 4-storey Fok Ying Tung Hall of Residence at the southern portion of the Hong Kong Institute of Vocational Education (Tsing Yi) (the Institute/IVE) into a 15-storeys student hostel

(gross floor area of about 15,700m² and a plot ratio (PR) of 0.26) to provide overnight accommodation for a total of 1,004 students of the Institute;

- (c) bureaux/departmental comments – concerned government bureaux and departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, three public comments were received. One of them was submitted by a nearby resident, while two of them were submitted by the residents of the Mayfair Gardens. They objected to the application mainly on the grounds of traffic, environment, additional population in-take, inadequate facilities and the proposed building height. Their comments detailed in paragraph 8.1 of the Paper were summarized below:
 - (i) the college only provided shuttle bus services in the morning and the service was insufficient, students would switch to buses and minibuses. This would cause increase traffic burden on the housing estate. This would increase the waiting time for minibuses and thus cause inconvenience to the residents;
 - (ii) the Stonecutters Bridge and the buildings in the vicinity had already affected the landscape of Tsing Yi, the proposed hostel would further damage the landscape of Tsing Yi;
 - (iii) most of the VTC/IVE students got on and off public buses and minibuses on Ching Hong Road and the students of the IVE College in Tsing Yi were already using the private terrace on L3 of Mayfair Gardens when commuting to and from school by bus or minibus. As a result, the ground surface of the terrace on L3 had already been severely damaged and was uneven;
 - (iv) no restaurants and supermarkets were provided on the campus. The proposed hotel would seriously affect the usage of restaurants and the supermarket in the area and it would constitute a great nuisance

to the residents of Mayfair Gardens; and

- (v) there was insufficient recreational facilities like basketball court or tennis court in the vicinity. The additional population would further alleviate the situation and posed negative impacts to the residents;
- (e) during the publication period of further information, five public comments were received. One of which from a resident of Mayfair Gardens objecting to the application on the grounds similar to those mentioned in paragraph 8.1(b) of the Paper, which related to the potential nuisance brought by the proposed development in terms of the use of the pavement within Mayfair Gardens, potential impacts on traffic and environment, and the use of restaurants. Four public comments submitted by the residents of Tsing Yi including one resident of Mayfair Gardens supported the application on the grounds that the proposed student hostel could enhance students' living and education standard, improve the overall environment of Hong Kong by reducing the demand on transportation, no adverse visual impact and no adverse environmental impact to the surroundings;
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 9 of the Paper, which were summarized below:
 - (i) the proposed redevelopment of the Fok Ying Tung Hall of Residence was to cope with the operational need of the degree courses offered by IVE. The Secretary for Education also supported the proposed student hostel to side with the degree programme to be offered. The proposed number of bedrooms of 391 providing accommodation for 1,018 population (1,004 students and 14 tutors) at a PR of 0.26 (resulting in a total PR of 1.12 for the whole campus) were considered acceptable from the land utilization point of view and the proposed use did not contravene the planning intention of the “Government, Institution or Community” zone under the Outline Zoning Plan (OZP);

- (ii) the proposed student hostel was considered not incompatible with the surrounding land uses as the proposed redevelopment of the existing Fok Ying Tung Hall of Residence into a student hostel were within the context of the Tsing Yi IVE campus, which were mainly for educational use;

- (iii) the proposed 15-storey student hostel with a building height of 45m (86.2mPD) was surrounded by man-made slopes and the vegetated mountain backdrop of Tsing Yi to the west which was zoned “GB” on the OZP. The Chief Architect/Advisory & Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) and Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had no adverse comments on the application from architectural, visual impact and urban design point of view. Regarding the concern raised by CTP/UD&L, PlanD on the existing amenity plantings at the Site, an approval condition had been recommended in paragraph 10.2 (a) of the Paper;

- (iv) government departments consulted including the Director of Environmental Protection (DEP), Commissioner for Transport (C for T) and Chief Engineer/Mainland South, Drainage Services Department had no objection to the application. An approval condition on the provision of internal transport facilities as proposed by the applicant had been recommended in paragraph 10.2(b) of the Paper. Moreover, an approval condition related to the implementation of all the noise mitigation measures and acoustic windows as proposed by the applicant had also been suggested in paragraph 10.2(d) of the Paper to ensure proper implementation of noise mitigation measures; and

- (v) as regards the public comments raised during the two statutory publication periods as mentioned in paragraph 8 of the Paper, C for T noted that the adjacent junctions of the public roads had adequate reserve capacity to cater for the traffic increase. The traffic impact of

the proposed development on affected public road network was also minimal. C for T would review the public services serving the area from time to time with a view to taking action to enhance its services as required. In relation to the concern on the noise impact generated by the proposed student hostel on the residents, DEP commented that student hostel was generally not considered as noise emitter according to the Hong Kong Planning Standards and Guidelines and the potential noise nuisance arising from the proposed redeveloped student hostel on the residents of Mayfair Gardens was unlikely to be problematic as the buffer distance between the proposed redevelopment and the Mayfair Gardens was over 300m. Besides, the campus of the Institute provided indoor and outdoor recreational facilities and catering facilities to serve the staff and students. Regarding the building height of the proposed student hostel, CA/ASC, ArchSD and CTP/UD&L, PlanD had no adverse comments on the application from architectural, visual impact and urban design point of view.

26. In response to a Member's question relating to paragraph 2b of the Paper, Mr. Y.S. Lee, STP/TWK, clarified that the proposed hostel would provide overnight accommodation facilities for students who were studying in the Tsing Yi campus in the Fok Ying Tung Hall of Residence.

Deliberation Session

27. 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 16.12.2015, 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 submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;

- (b) the provision of internal transport facilities, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the provision of noise mitigation measures and acoustic windows, as proposed by the applicant in the revised Environmental Assessment Study Report, to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Departments that the lot owner was required to submit the revised concept plan to reflect the approved proposal to his Department for approval under the lease;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the applicant's attention was drawn to the provision of emergency vehicular access under Building (Planning) Regulation (B(P)R) 41D and the provision of natural lighting and ventilation for habitation rooms and kitchens under B(P)Rs 29, 30, 31 and 32. Statutory checking would be carried out upon formal submission of the General Building Plans through an Authorised Person for approval by the Building Authority (BA);
- (c) to note the comments of the Director of Fire Services that detailed fire services 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 Firefighting and rescue which was administered by the BD;

- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should be reminded of the requirements of making site formation submission including the investigation on the stability of all geotechnical features, within or in the vicinity of the Site that might affect or to be affected by the proposed development to the BA for approval as required by the provisions of the Buildings Ordinance. Any necessary stabilization works should be carried out and paid for as part of the development;

- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant/contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the Site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the Site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the Site. The Code of Practice on Working near Electricity Supply Lines established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. For any development near the town gas transmission pipes and facilities, the project proponent/consultant should be informed and he/she should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipes routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the pipelines during the design and construction stages of development. The project proponent/consultant should also note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger from Gas Pipes;

- (f) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department that the applicant's

attention should be drawn to the relevant provisions of the Hotel and Guesthouse Accommodation Ordinance (HAGAO) in that ‘hotel’ and ‘guesthouse’ mean any premises being held out in which sleeping accommodation was provided for any person presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided for a period of less than 28 continuous days. Should the mode of operation of the proposed hostel fell within the definition of a hotel and guesthouse accommodation under section 2 of the HAGAO (Cap.349 Sub. Leg. C), a licence had to be obtained under the HAGAO. When making an application under the HAGAO, the applicant should submit a copy of the occupation permit for the proposed redevelopment. The proposed licence area should be physically connected. The applicant’s attention should be drawn to paragraph 4.28 of Code of Practice for Minimum Fire Services Installations and Equipment. The licensing requirements would be formulated after inspections by his Building Safety Unit and Fire Safety Team upon receipt of a licence application under the HAGAO; and

- (g) to note the comments of the Director of Environmental Protection that the applicant should provide proper sewage collection system to connect the sewage generated from the proposed redeveloped student hostel to the public sewerage system.

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

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

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

Agenda Item 9

[Open Meeting]

Further Consideration of the Draft Planning Brief
for the “Comprehensive Development Area (2)” Site
at the ex-Tai Wo Hau Factory Estate, Tsuen Wan
(MPC Paper No. 20/11)

29. The Secretary reported that the subject site was a land sale site covering the ex-Tai Wo Hau Factory Estate (ex-TWHFE). Ms. Olga Lam had declared an interest in this item as she was a representative of LandsD. As the item was for the preparation of the subject planning brief (PB), which was part of the plan-making process, the Committee agreed that Ms. Lam could stay in the meeting.

Presentation and Question Sessions

30. With the aid of a powerpoint presentation, Mr. K.T. Ng, STP/TWK, presented the draft PB and covered the following main aspects as detailed in the Paper:

Background

- (a) on 19.8.2011, the Metro Planning Committee (the Committee) considered the draft PB for the site at the ex-Tai Wo Hau Factory Estate (the Site), and agreed that the draft PB was suitable for consultation with the Tsuen Wan District Council (TWDC);

Major Comments of TWDC

- (b) on 2.9.2011, the Community Building, Planning and Development Committee (CBPDC) of the TWDC was consulted on the draft PB for the Site. CBPDC of TWDC generally welcomed the draft PB and considered that it had largely taken into account their comments and requirements that had been raised on previous occasions. They also supported early disposal of the Site to meet the public needs. The views of the CBPDC members and the responses to their views were summarized in paragraphs 3 and 4 of the Paper. The main points were:

Provision of Small- to Medium-Sized Units

- (i) small- to medium-sized units should be provided in the Site. There should be restrictions on the unit size and unit number in the tender conditions for the Site. It was important to ensure that the Site would not be developed into luxurious housing with luxurious clubhouse facilities;

Home Ownership Scheme

- (ii) two members held the view that the Site, or at least part of it, should be used for Home Ownership Scheme (HOS) housing development. In view of this, one member did not agree to the draft PB;

Provision of More Community Facilities

- (iii) more community facilities, such as library, study room and community hall should be provided to cater for the need of future residents in the Site and other Comprehensive Development Area (CDA) sites of the area;

Environmental-friendly and Energy-saving Measures

- (iv) environmental-friendly and energy-saving measures should be encouraged in the proposed development;

Traffic Arrangement and Emergency Vehicular Access

- (v) adequate transport facilities should be provided for the proposed development with a view to resolving the transport problem of the Tsuen Wan area. Besides, abundant parking spaces for motorcycles should be provided. The emergency vehicular access should be properly designed as the area was still predominately industrial;

Technical Assessments

- (vi) if one of the technical assessments was not accepted by relevant government departments, whether the development at the Site would be halted;

Further Consultation with TWDC

- (vii) should a development scheme of the Site be formulated, TWDC should be further consulted on the proposed scheme;

Responses to Comments Raised by TWDC

- (c) the responses to the comments raised by the TWDC members were as follow:

Provision of Small- to Medium-Sized Units

- (i) the intention of the Site was to provide small- to medium-sized residential units. Relevant restrictions on unit size and unit numbers would be incorporated into the lease conditions;

Home Ownership Scheme

- (ii) the Site had been selected for housing development under the new HOS by HA/HD;

Provision of More Community Facilities

- (iii) the current requirement of community facilities at the Site had been agreed by the Director of Social Welfare (DSW). DSW also agreed to provide volunteer training for relatives as well as carers and other family-based services in the required day care centre for the elderly. Nevertheless, Planning Department (PlanD) would continue to monitor the demand for the community facilities and liaise closely with relevant government departments. Should there be a need for further provision of community facilities in the Tsuen Wan East

Industrial Area, there was scope to provide them in the other CDAs of the area;

Environmental-friendly and Energy-saving Measures

- (iv) the applicant was required to submit Environmental Assessments to assess the environmental impact which should be submitted together with the Master Layout Plan (MLP) for the Town Planning Board's (the Board) consideration. Besides, relevant environment guidelines/legislation would have to be followed by the developer during the construction stage. The design of the proposed development would also need to comply with the statutory requirements under relevant environment ordinances;

Traffic Arrangement and Emergency Vehicular Access

- (v) it had been stated in the draft PB that a comprehensive Traffic Impact Assessment should be conducted by the applicant to the satisfaction of Commissioner for Transport (C for T) and be submitted together with the MLP for the Board's consideration. The design of the emergency vehicular access, which would be reflected on the MLP together with the provision of ancillary car parking spaces including motorcycle spaces as per the requirement as set out in the Hong Kong Planning Standards and Guidelines should be to the satisfaction of C for T;

Technical Assessments

- (vi) prior to the rezoning of the Site to "CDA(2)", a broad assessment of the rezoning proposal including the boundary and development parameters of the Site and the other CDA sites in the area had been undertaken by PlanD in consultation with relevant departments. It was concluded that the rezoning proposal was acceptable and the existing/planned supporting infrastructure in the Tsuen Wan area would not be overloaded with the proposed development. In

connection with the MLP submission, the developer of the Site needed to demonstrate to the Board that the proposed residential development on the Site would not create environmental and infrastructural impacts on the surrounding areas;

Further Consultation with TWDC

- (vii) the TWDC would be further consulted through the established procedures under the provisions of Town Planning Ordinance during MLP submission to the Board by the developer of the Site;

Proposed Amendments to the Draft PB

- (d) most of the views expressed by CBPDC of TWDC had already been reflected in the draft planning brief, taking into account (i) the updated situation that the Site was designated for the new HOS; (ii) the comments of the Committee to provide an option of not having podium structure of the proposed development; and (iii) the latest departmental advices, it was proposed to amend the draft PB mainly on the following aspects:
 - (i) to provide the option of not having podium structure (in “Maximum Building Height”, “Maximum Site Coverage” and “Urban Design Considerations” under paragraph 5, Appendix I of the Paper);
 - (ii) the site was designated for the new HOS to be developed by HA/HD (under paragraphs 1.1 and 2.2, Appendix I of the Paper) ;
 - (iii) the public open space and the 15m-wide non-building area would be funded, designed and constructed by HA/HD to the satisfaction of the Director of Leisure and Cultural Services (in paragraph 4.2 and “Non-building Area” and “Open Space Provision” under paragraph 5, Appendix I of the Paper);
 - (iv) the Day Care Centre for the Elderly would be funded by DSW, designed and constructed by HA/HD (in “GIC Facilities” under paragraph 5, Appendix I of the Paper); and

- (v) the updated requirements for car parking, loading and unloading provision for the new HOS development (in “Car Parking, Loading and Unloading Provision” under paragraph 5, Appendix I of the Paper);
- (e) relevant government departments had been consulted and their comments had been incorporated in the revised draft PB, where appropriate. The District Officer (Tsuen Wan) considered that the revised draft PB was still valid and compatible for the proposed new HOS development, hence consultation with TWDC on the revised draft PB was not necessary; and
- (f) Members were noted the views of the TWDC and endorsed the draft PB.

[Professor S.C. Wong and Mr. Felix W. Fong arrived to join the meeting at this point.]

31. A Member noted that the option of having no podium structure on the subject site had been incorporated in the revised draft PB. This Member said that if the developer decided to provide a podium for the future development, the development scheme should be submitted for the Committee’s consideration.

32. In response to this Member’s enquiry, Mr. K.T. Ng, STP/TWK, said that as the site was now proposed for development of the new HOS, HA/HD had been advised to take note of the views of the Committee of having no podium structure within the Site. In any case, the developer was required to submit a Master Layout Plan (MLP) for the Committee’s consideration.

33. The Secretary added that at its meeting on 19.8.2011, the Committee agreed that the PB had to be amended to reflect Members’ view on the option of having no podium structure structure on the “CDA(2)” site. The Secretary pointed out that Members’ concern had been taken into consideration and incorporated in paragraph 5 of the revised draft PB (Appendix I of the Paper referred). The revised draft PB required that if a podium was required, a stepped terrace design should be adopted to reduce the podium bulk. Members noted.

34. The Committee noted the comments of TWDC and decided to endorse the revised draft planning brief and that the development parameters set out in the planning brief as a basis for Housing Authority/Housing Department to prepare a Master Layout Plan for the new Home Ownership Scheme development at the Site for the submission to the Committee for consideration. The finalised planning brief would be provided to Hong Kong Housing Authority/Housing Department to guide future development.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/428 Proposed Religious Institution (Church)
in “Comprehensive Development Area (3)” zone,
Workshop Unit on the Whole of 5/F, Bonsun Industrial Building,
364-366 Sha Tsui Road, Tsuen Wan
(MPC Paper No. A/TW/428)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed religious institution (church);
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application. The proposed ‘Religious Institution (Church)’ use in the subject industrial building was not acceptable from fire safety point of view as the proposed use would attract unreasonably large number of persons to stay in the industrial building for a long period of time. Those persons included the old, infirm, children and those whose nature of activities were unrelated to the intended uses of the building. They could be exposed to risk, which they would neither be aware of nor prepared to

face;

- (d) during the statutory publication period, three public comments were received. One commenter supported the application. Another commenter, who was the chairman of the Incorporated Owners (IO) of Fortune Commercial Building (located next to the subject building) objected to the application as there was only one passenger lift in the subject building which was unable to cope with the visitor flow of the proposed church and there would be risk of fire hazard. The third commenter, who was the IO of the subject industrial building, also objected to the application on the grounds that since ‘Religious Institution (Church)’ use was not allowed in the deed of mutual covenant of the subject building, third party insurance would not be accepted and hence there would be serious liability consequences. Besides, the single passenger lift and security manpower in the subject building would be unable to cope with the increased visitor flow. There was also concern on whether the existing fire fighting system of the subject industrial building could match up with the proposed church; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper, which were summarized below:
 - (i) the “Comprehensive Development Area (3)” (“CDA(3)”) zone was intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. However, since the intended comprehensive redevelopment at the “CDA(3)” zone, which was rezoned from “Industrial” (“I”) in December 2010, would take time to materialize, there was no objection to utilize existing industrial premises for other compatible uses in the interim;
 - (ii) there were still a number of active industrial uses within the subject building including warehouses at various floors and a knitting

manufactory on the 4/F of the building. The proposed church was considered incompatible with the industrial uses within the building; and

- (iii) the proposed 'Religious Institution (Church)' use would attract unreasonably large number of persons to stay in the industrial building for a long period of time. Those persons included the old, infirm, children and those whose nature of activities were unrelated to the intended uses of the subject industrial building. They would be exposed to risk, which they would neither be aware of nor prepared to face. In this connection, D of FS objected to the application from the fire safety point of view.

36. Referring to the applicant's comments (paragraph 2b and Annex Ic of the Paper) that no consideration had been given to the fact that the site had been rezoned from "I" to "CDA(3)" and it was unfair to reject the application, a Member enquired whether the redevelopment of the industrial building within the "CDA" zone was the only way that could meet the government departments' requirements. This Member also asked whether the subject planning application was in line with the policy of revitalizing industrial buildings.

37. Mr. K.T. Ng replied that the planning intention for the "CDA(3)" zone was for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. The intended comprehensive redevelopment of the site would take time to materialize. There was no objection to utilize the existing industrial premises or the whole industrial building for other compatible uses in the interim. Planning application for compatible uses within the existing industrial building might be approved by the Board taking into account the relevant planning considerations and comments from government departments. However, the subject application involved piecemeal conversion of the 5/F of the industrial building for the proposed church use. There were still active industrial activities in the industrial building. As industrial activities generally had higher risk in terms of fire and other hazards, thus posting unacceptable risks to non-industrial uses in the same building. The proposed church use would attract a large number of church attendees (about 100 to 200) including the elderly and children staying in the industrial building for a long period of time. In this

regard, the Director of Fire Services raised objection to the application. Mr. K.T. Ng also explained that the problem associated with the mix of industrial and non-industrial uses within the same building could be avoided if the whole industrial building was converted for non-industrial uses.

38. As regards the policy on revitalizing industrial buildings (the policy) initiated by the Government, the Chairman said that the policy was introduced to set out measures to facilitate redevelopment or wholesale conversion of the industrial buildings into alternative uses. In case of wholesale conversion of the industrial building, owners might apply at a nil waiver fee for change of use of existing industrial building for the lifetime of the building or the current lease period, whichever was earlier. However, the policy did not apply to the change of use of an individual industrial premises.

39. In response to a Member's question on the boundary of the "CDA(3)" zone, Mr. K.T. Ng referred to Plan A-2 of the Paper and said that the "CDA(3)" zone covered five industrial buildings including Bonsun Industrial Building, Wong's Factory Building, Edward Wong Industrial Centre, Asia Tone i-centre and Fortune Commercial Building. He said that the relevant sites were rezoned from "I" to "CDA" in December 2010. No planning application had been received for the redevelopment of the "CDA(3)" site so far.

40. Another Member opined that the subject building was purposely built for industrial uses such as workshops, warehouses and offices ancillary to industrial uses. This Member was of the view that the proposed church was not compatible with the existing industrial uses of the building. Other Members agreed.

Deliberation Session

41. In response to a Member's suggestion to clarify with the applicant on his comments that the site had been rezoned to "CDA" and it would be unfair to reject the application, the Secretary said that the Board or the District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) should make the clarification with the applicant. After deliberation, Members agreed that DPO/TWK could make the clarification with the applicant on the concerned issue.

42. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not compatible with the existing uses in the subject industrial building which was predominantly industrial in character with active industrial uses taking place;
- (b) the proposed development at the application premises was considered unacceptable from the fire safety point of view; and
- (c) the approval of the application would set an undesirable precedent for other similar applications for religious institution uses within existing industrial building in the “Comprehensive Development Area(3)” zone which was unacceptable from the fire safety point of view.

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/TW/429

Proposed Shop and Services

(Temporary Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction for a Period of 3 Years in “Residential (Group A) 6” zone,

Portion of Car Park at Level 6, Discovery Park,

398 Castle Peak Road, Tsuen Wan

(Tsuen Wan Town Lot 361)

(MPC Paper No. A/TW/429)

43. The Committee noted that on 24.11.2011, the applicant’s representative submitted a request for deferment of the consideration of the application for two months in

order to allow time for the applicant to prepare further information and responses to address the departmental comments.

44. 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.

Hong Kong District

Agenda Item 12

Section 12A Application

[Open Meeting]

Y/H13/1 Application for Amendment to the
Approved Jardine's Lookout & Wong Nai Chung Gap
Outline Zoning Plan No. S/H13/12
from "Government, Institution or Community"
to "Government, Institution or Community (1)"
to Incorporate Development Restrictions on (1) Building Height,
(2) Gross Floor Area or Plot Ratio and (3) Site Coverage to Reflect the
Existing Development Parameters of the Site, and to Add a Minor
Relaxation Clause on the Development Restrictions Imposed for the
"Government, Institution or Community (1)" zone,
Inland Lot 7883, Clementi Road, Hong Kong
(MPC Paper No. Y/H13/1)

45. The Secretary reported that Mr. Roger K.H. Luk had declared an interest in this item as he owned a flat at Cavendish Heights in Happy Valley, which was close to the application site and might have a view of the subject site. As the applicants had submitted a

request for a deferment of consideration of the application, the Committee agreed that Mr. Luk could stay in the meeting.

46. The Committee noted that on 2.12.2011, the applicants' representative had requested for deferment of the consideration of the application for two months due to the ongoing government consultations on the redevelopment scheme proposed by the Hong Kong Sheng Kung Hui on the application site.

47. 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/248 Proposed Flat (Government Staff Quarters)
 in "Government, Institution or Community" zone,
 Ex-Housing Department Staff Quarters Site,
 Tin Wan Street, Tin Wan, Aberdeen
 (MPC Paper No. A/H15/248)

Presentation and Question Sessions

48. 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. The application site was the subject of a previous application (No. A/H15/244) for proposed flat (staff quarters) with a plot ratio (PR) of 5.53 and gross floor area (GFA) of 3,950m² approved with conditions by the Committee on 5.8.2011;
- (b) as compared with the previous development scheme, there was an increase in GFA about 4,315m² (+9.2%) and PR of about 6.04 (+9.2%) for the proposed flat (staff quarters). The increase was mainly due to the inclusion of the guard house, some services rooms such as refuse storage and material recovery rooms, electrical rooms, utility ducts, etc., and covered landscaped area in GFA calculation. There was no change to the approved layout and other development parameters;
- (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 was received objecting to the application mainly on the grounds that the traffic generated by the proposed development would further aggravate traffic congestion in the Southern District, and the Town Planning Board should restrain new development and refrain from allowing a further increase in density and traffic in the south of Hong Kong Island until it had satisfied itself that future transport and traffic were sustainable; 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. As compared with the previous development scheme under Application No. A/H15/244, the applicant proposed to increase the PR to 6.04 and GFA to 4,315m² due to the inclusion of the guard house, some services rooms as detailed in paragraph 2(a) of the Paper and covered landscaped area in the GFA calculation to meet the relevant requirements of the project. The increases in PR and GFA only involved technical amendments. There was no change in the overall scale of the development and other development parameters as compared with the approved scheme. Concerned government

departments had no objection to or adverse comments on the application. Regarding the public comment on the possible adverse traffic impact induced by the proposed development, the Commissioner for Transport (C for T) considered that the Traffic Impact Assessment and the proposed internal transport facilities were acceptable. In this regard, both C for T and the Commissioner of Police had no adverse comments on the application.

49. Members had no question on the application.

Deliberation Session

50. 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 16.12.2015, 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 firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of drainage and sewerage connection plans with supporting hydraulic calculations and the implementation of the local sewerage upgrading/sewerage connection works to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal with tree preservation plan to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Commissioner for Transport in paragraph 9.1.2 of the Paper regarding the control of construction vehicles to avoid queuing

objection to or adverse comments on the application;

- (d) no public comment was received during the first three week statutory publication period and the subsequent publication period for further information submitted by the applicant; 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. While the proposed utility cabinet and ROW fell within the “Green Belt” zone and there was a general presumption against development in this zone, the proposed utility cabinet was intended to replace the existing facilities to meet current standards and requirements and the area concerned was relatively small (about 7.81m²). The proposed widening of ROW from about 3.5m to 4.5m wide basically followed the existing alignment and only an additional area of about 135.5m² would be affected. No tree would be affected by the proposed widening of ROW. Regarding the four trees affected by the proposed utility cabinet within the garden lot, the applicant proposed to transplant two of them and to fell the two in poor health condition with compensatory planting of three trees. The development would not have significant impact on the existing natural landscape. The Director of Agriculture, Fisheries and Conservation and Chief Town Planner/Urban Design & Landscape, Planning Department had no adverse comments on the proposal. The proposed utility cabinet and widening of ROW generally complied with the relevant considerations in the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that the proposal was small in scale and was not incompatible with the character of the surrounding area. The proposed widening of ROW was to meet the minimum emergency vehicular access requirement for the adjoining house redevelopment. Given that the applicant site was screened off by vegetation, the development was not expected to have significant adverse impacts on the visual amenity of the area. Concerned government departments had no adverse comments on the application from landscape, visual, environmental and traffic perspectives.

53. Members had no question on the application.

Deliberation Session

54. 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 16.12.2015, 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 condition :

- submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to apply to the District Lands Officer/Hong Kong West and South, Lands Department for approval/consent for the proposed utility cabinet;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (BD) in paragraph 9.1.3 of the Paper regarding the design of the Emergency Vehicular Access (EVA);
- (c) to note the comments of the Director of Fire Services in paragraph 9.1.4 of the Paper that the EVA arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the BD and any gate erected thereon should be 24-hour manned;
- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department in paragraph 9.1.5 of the Paper that the applicant was reminded to submit the details of the proposed utility installation and road widening to the BD and/or other relevant government departments/offices for approval before implementation; and

- (e) to note the comments of the Director of Electrical and Mechanical Services in paragraph 9.1.11 of the Paper to liaise with the electricity supplier for the requisition of cable plans and take necessary protection measures for the existing underground cables, if any.

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

[Ms. Irene W.S. Lai, STP/HK, was invited to the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/410 Proposed Religious Institution (Church)
 in "Commercial/Residential" zone,
 1/F (Portion) and 2/F (Portion), New Trend Plaza,
 278-288 King's Road, North Point
 (MPC Paper No. A/H8/410)

Presentation and Question Sessions

56. With the aid of a powerpoint presentation, Ms. Irene W.S. Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (church);
- (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 was received. The commenter indicated that there was a separate set of stairs as fire

escape on the eastern side of North Point Centre serving the application premises; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed church fell within an area zoned “Commercial/Residential” (“C/R”) with a mix of commercial, residential and composite C/R buildings. Given the mixed nature of existing developments in the vicinity, the proposed church was considered not incompatible with the surrounding developments in terms of use. The proposed church occupied portions of 1/F and 2/F of New Trend Plaza, which was the purpose-built non-domestic portion (i.e. G/F to 2/F) of a 28-storey composite C/R development (i.e. North Point Centre). The proposed church was considered not incompatible with other uses i.e. shops, within the non-domestic residential portion of the development. There were separate entrances serving the residential portion of the development. The operation of the proposed church was not expected to generate nuisance to the residential portion on the upper floors. Concerned government departments including Fire Services Department and Buildings Department had no objection to the application. Furthermore, the subject composite development was well served by public transport including the Mass Transit Railway and a car park including 60 spaces for hourly rental was on 3/F to 5/F of the composite development. It was unlikely that the proposed development would generate adverse traffic impact on the surrounding areas. The Commissioner for Transport had no comment on the application from the traffic engineering point of view.

57. Members had no question on the application.

Deliberation Session

58. 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 16.12.2015, 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 condition :

- 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.

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

- (a) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department in paragraphs 8.1.2 (b), (c) and (d) of the Paper regarding the submission of alteration and addition plans for the proposed change in use, means of escape, and requirements of Building (Planning) Regulation 72 and the Design Manual: Barrier Free Access 2008 for provisions for persons with a disability; and
- (b) to note the comments of the Director of Fire Services in paragraph 8.1.3 (b) of the Paper regarding the arrangement of emergency vehicular access.

[The Chairman thanked Miss Irene W.S. Lai, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. Clarence W.C. Leung left the meeting at this point.]

Kowloon District

[Ms. S.H. Lam, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/246 Proposed Hotel in “Residential (Group A) 4” zone,
179 and 181 Bulkeley Street, Hung Hom, Kowloon
(MPC Paper No. A/K9/246)

Presentation and Question Sessions

60. Ms. S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application. The District Officer (Kowloon City), Home Affairs Department advised that the Planning Department and Town Planning Board should take into account all the comments gathered in the consultation exercise in the decision-making process. Should the application be approved, the applicant should take appropriate measures to address the residents’ concern;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application site was located in a residential area mixed with some commercial uses in Hung Hom. The proposed hotel was considered not incompatible with the surrounding developments. The proposed hotel with a plot ratio (PR) of 7.1875 and building height of 39.654mPD did not exceed the maximum PR of 9 for the non-domestic building and the

maximum building height of 80mPD for “Residential (Group A)4” (“R(A)4”) zone under the current Hung Hom Outline Zoning Plan. The Committee had approved 16 applications for hotel development within the “R(A)” zone in Hung Hom Area. As the proposed hotel development with 50 guestrooms was relatively small in scale and public transport and loading/unloading facilities were available in the vicinity, the Commissioner for Transport (C for T) had no objection to the application and the proposed non-provision of vehicular access, carparking and loading/unloading facilities in the proposed development. Besides, C for T had no comment on the Traffic Impact Assessment submitted by the applicant. The proposed hotel development would not create adverse environmental, sewerage and drainage impacts on the surrounding area. Concerned government departments including the Director of Fire Services (D of FS), Chief Engineer/Mainland South, Drainage Services Department, Director of Environmental Protection (DEP) and Chief Building Surveyor/Kowloon, Buildings Department had no objection to or adverse comments on the application. As recommended by D of FS and DEP, approval conditions relating to fire service installations, sewerage impact assessment and local sewerage works had been recommended in paragraph 11.2 of the Paper.

61. Members had no question on the application.

Deliberation Session

62. 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 16.12.2015, 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 design and provision of water supply for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;

- (b) the submission of a sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in condition (b) above to the satisfaction of the Director of Drainage 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.

63. 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 fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or the proposed 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 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 District Lands Officer/Kowloon West, Lands Department that the applicant was required to apply to his office for removal of the offensive trade restriction for the proposed café and bar with kitchen in the proposed hotel, and that there was no guarantee that the schematic design submitted under s.16 application should be approved under lease;
- (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 Firefighting and Rescue;

- (d) to note the comments of the Director of Environmental Protection that the applicant should be advised to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that to enhance the visual amenity of the proposed development and its surrounding pedestrian environment, consideration could be given to provide greening/landscaping on the flat roof of 2/F and vertical greening on the façade of 1/F;
- (f) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that :
 - (i) subject to compliance with the criteria under PNAP APP-40 and no adverse comments from all relevant government departments, the application for hotel concession and GFA exemption for back-of-house facilities under Building (Planning) Regulation (B(P)R) 23A would be considered upon formal submission of building plans;
 - (ii) the guestrooms should be provided with openable windows in accordance with B(P)R 30 and 31, and accessible guestrooms should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
 - (iii) the requirements for GFA concession under PNAP APP-151 were applicable;
- (g) to note the comments of the Chief Engineer/Railway Development 1-3, Railway Development Office, Highways Department that the site was located within the administrative protection zone of “Shatin to Central Link” and “Kwun Tong Line Extension”, and that any potential interface between the redevelopment of the site and the railway works should fulfil

the requirements as stated in the Works Bureau Technical Circular No. 19/2002 and PNAP No. APP-24 as appropriate; and

- (h) to note the comments of the Chief Officer/Licensing Authority of Home Affairs Department regarding the licensing requirements for the proposed hotel.

[The Chairman thanked Ms. S.H. Lam, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting]

A/K11/205 Proposed Hotel
in "Other Specified Uses" annotated "Business" zone,
29 Tai Yau Street, San Po Kong
(MPC Paper No. A/K11/205)

64. The Secretary reported that the application was submitted by Daily Crown Development Ltd., a subsidiary of Henderson Land Development Ltd. (HLD), the following Members had declared interests in this item:

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

The Committee noted that Mr. Leung had already left the meeting. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Chan with interest declared could stay in the meeting.

65. The Committee noted that on 7.12.2011, the applicant submitted a request for deferment of the consideration of the application for one month in order to allow time for the

applicant to resolve comments from the Environmental Protection Department.

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

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/666 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop 1, G/F, Shiu Fat Industrial Building,
139 & 141 Wai Yip Street, Kwun Tong
(MPC Paper No. A/K14/666)

67. The Secretary reported that the application was submitted by Smart Max Enterprise Ltd. represented by Traces Limited. Ms. Julia M.K. Lau had declared an interest in this item as she was a shareholder of Traces Limited. The Committee agreed that the interest of Ms. Lau was direct and she should be invited to leave the meeting temporarily.

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

Presentation and Question Sessions

68. 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 applied 'Shop and Services' use;
- (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 was received expressing no objection to the application provided that (i) the applied use did not contravene the lease conditions; and (ii) the applicant should comply with the requirements of relevant government departments; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The "Other Specified Uses" annotated "Business" ("OU(Business)") zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the 'Shop and Services' use would not induce adverse fire safety and environmental impacts. Similar applications for 'Shop and Services' use had been approved for other units on the G/F of other industrial buildings in the vicinity. The 'Shop and Services' use at the application premises was considered generally in line with the planning intention. The 'Shop and Services' use at the application premises complied with the Town Planning Board Guidelines No. 22D for 'Development within the "OU(Business)" Zone' in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no objection to the application. Should the Committee approve the current application and two other similar applications for shop and services at Workshops 2 and 3A (under Application Nos. A/K14/667 and A/K14/668 respectively), the aggregate commercial floor area on the G/F of the subject building would be 459.998m^2 (i.e. $190.23\text{m}^2 + 207.38\text{m}^2 + 62.388\text{m}^2$), which was within the maximum permissible limit of 460m^2 on the G/F of an industrial building with a sprinkler system. In this regard, the Director of

Fire Services had no objection to the application.

69. Members had no question on the application.

Deliberation Session

70. 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 fire service installations and water supplies for firefighting in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 16.6.2012; 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.

71. 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; and
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit alteration and addition proposal to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance, including :
 - (i) the provision of adequate means of escape in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the related Code of Practice;

- (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 the related Code of Practice;
- (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
- (iv) the applicant should also note the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA had no powers to give retrospective approval or consent for any unauthorized building works.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/667 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop 2, G/F, Shiu Fat Industrial Building,
139 & 141 Wai Yip Street, Kwun Tong
(MPC Paper No. A/K14/667)

72. The Secretary reported that the subject application was submitted by Zenithway Limited represented by Traces Limited. Ms. Julia M.K. Lau had declared an interest in this item as she was a shareholder of Traces Limited. The Committee noted that Ms. Julia M.K. Lau had already left the meeting.

Presentation and Question Sessions

73. 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 applied 'Shop and Services' use;
- (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 was received expressing no objection to the application provided that (i) the applied use did not contravene the lease conditions; and (ii) the applicant should comply with the requirements of relevant government departments; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The "Other Specified Uses" annotated "Business" ("OU(Business)") zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the 'Shop and Services' use would not induce adverse fire safety and environmental impacts. Similar applications for 'Shop and Services' use had been approved for other units on the G/F of other industrial buildings in the vicinity. The 'Shop and Services' use at the application premises was considered generally in line with the planning intention. The 'Shop and Services' use at the application premises complied with the Town Planning Board Guidelines No. 22D for 'Development within the "OU(Business)" Zone' in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no objection to the application. Should the Committee approve the current application and two other similar applications for shop and services at Workshops 1 and 3A (under Application Nos. A/K14/666 and A/K14/668 respectively), the aggregate commercial floor area on the G/F of the subject building would be 459.998m^2 (i.e. $207.38\text{m}^2 + 190.23\text{m}^2 + 62.388\text{m}^2$), which was within the maximum permissible limit of 460m^2 on the G/F of an

industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application.

74. Members had no question on the application.

Deliberation Session

75. 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 fire service installations and water supplies for firefighting in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 16.6.2012; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the “Shop and Services’ use at the application premises; and
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit alteration and addition proposal to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance, including :
 - (i) the provision of adequate means of escape in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the related Code

of Practice;

- (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 the related Code of Practice;
- (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
- (iv) the applicant should also note the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA had no powers to give retrospective approval or consent for any unauthorized building works.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/668 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop 3A, G/F, Shiu Fat Industrial Building,
139 & 141 Wai Yip Street, Kwun Tong
(MPC Paper No. A/K14/668)

77. The Secretary reported that the application was submitted by Zenithway Limited represented by Traces Limited. Ms. Julia M.K. Lau had declared an interest in this item as she was a shareholder of Traces Limited. The Committee noted that Ms. Lau had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received expressing no objection to the application provided that (i) the applied use did not contravene the lease conditions; and (ii) the applicant should comply with the requirements of relevant government departments; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the proposed ‘Shop and Services’ use would not induce adverse fire safety and environmental impacts. Similar applications for proposed ‘Shop and Services’ use had been approved for other units on the G/F of other industrial buildings in the vicinity. The proposed ‘Shop and Services’ use at the application premises was considered generally in line with the planning intention. The proposed ‘Shop and Services’ use at the application premises complied with the Town Planning Board Guidelines No. 22D for ‘Development within the “OU(Business)” Zone’ in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no objection to the application. Should the Committee approve the current application and two other similar applications for shop and services at Workshops 1 and 2 (under Application Nos. A/K14/666 and A/K14/667 respectively) on the G/F of

the same industrial building, the aggregate commercial floor area on the G/F of the subject building would be 459.998m² (i.e. 62.388m² +190.23m²+207.38m²), which was within the maximum permissible limit of 460m² on the G/F of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application.

79. Members had no question on the application.

Deliberation Session

80. 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 16.12.2013, 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 fire service installations and water supplies for firefighting 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the 'Shop and Services' use at the application premises; and
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit alteration and

addition proposal to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance, including :

- (i) the provision of adequate means of escape in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the related Code of Practice;
- (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 the related Code of Practice;
- (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
- (iv) the applicant should also note the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA had no powers to give retrospective approval or consent for any unauthorized building works.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/669 Shop and Services in “Other Specified Uses” annotated “Business” zone,
Workshop 1, G/F, Hung To Industrial Building,
80 Hung To Road, Kwun Tong
(MPC Paper No. A/K14/669)

82. The Secretary reported that the application was submitted by China Best Corporation Limited represented by Traces Limited. Ms. Julia M.K. Lau had declared an interest in this item as she was a shareholder of Traces Limited. The Committee noted that

Ms. Lau had already left the meeting.

Presentation and Question Sessions

83. 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 applied 'Shop and Services' use;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, two public comments were received. One commenter expressed support to the application without giving any reason. The other commenter had no objection to the application provided that (i) the applied use did not contravene the lease conditions; and (ii) the applicant should comply with the requirements of relevant government departments; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The "Other Specified Uses" annotated "Business" ("OU(Business)") zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the 'Shop and Services' use would not induce adverse fire safety and environmental impacts. Similar applications for 'Shop and Services' use had been approved for other units on the G/F of other industrial buildings in the vicinity. The 'Shop and Services' use at the application premises was considered generally in line with the planning intention. The 'Shop and Services' use at the application premises complied with the Town Planning Board Guidelines No. 22D for 'Development within the "OU(Business)" Zone' in that it would not induce adverse fire safety, traffic, environmental

and infrastructural impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no objection to the application. Should the Committee approve the application, the aggregate commercial floor area on the G/F of the subject building would be 208.526m², which was within the maximum permissible limit of 460m² on the G/F of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application.

84. Members had no question on the application.

Deliberation Session

85. 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 fire service installations and water supplies for firefighting in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 16.6.2012; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the 'Shop and Services' use at the application premises; and
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings

Department to appoint an Authorised Person to submit alteration and addition proposal to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance, including :

- (i) the provision of adequate means of escape in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the related Code of Practice;
- (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 the related Code of Practice;
- (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
- (iv) the applicant should also note the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA had no powers to give retrospective approval or consent for any unauthorized building works.

[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 22

Any Other Business

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