

TOWN PLANNING BOARD

Minutes of 462nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 16.3.2012

Present

Director of Planning Mr. Jimmy C.F. Leung	Chairman
Mr. K.Y. Leung	Vice-chairman
Ms. Maggie M.K. Chan	
Mr. Felix W. Fong	
Professor C.M. Hui	
Ms. Julia M.K. Lau	
Mr. Laurence L.J. Li	
Mr. Roger K.H. Luk	
Professor S.C. Wong	
Ms. L.P. Yau	
Assistant Commissioner for Transport (Urban), Transport Department Mr. David To	
Principal Environmental Protection Officer (Metro Assessment), Environmental Protection Department Mr. Ken Y.K. Wong	
Assistant Director/Kowloon, Lands Department	

Ms. Olga Lam

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

Secretary

Absent with Apologies

Mr. Raymond Y.M. Chan

Professor P.P. Ho

Mr. Clarence W.C. Leung

Dr. Winnie S.M. Tang

Mr. Maurice W.M. Lee

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

In Attendance

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Mr. William W.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 461st MPC Meeting held on 24.2.2012

[Open Meeting]

1. The draft minutes of the 461st MPC meeting held on 24.2.2012 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.

General

[Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK), Miss Fiona S.Y. Lung, District Planning Officer/Kowloon (DPO/K), Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Ms. Ann O.Y. Wong, Senior Town Planner/New Territories District Planning Divisions Headquarters (STP/NTHQ), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Review of Sites Designated “Comprehensive Development Area” on Statutory Plans in the Metro Area for the Year 2011/2012

(MPC Paper No.5/12)

Presentation and Question Sessions

3. Ms. Ann O.Y. Wong, STP/NTHQ, said that it had been the Committee’s practice to review, on an annual basis, the “Comprehensive Development Area” (“CDA”) zoning for sites that had been so zoned on statutory plans in the Metro Area for more than three years with or without an approved Master Layout Plan (MLP). The review would assist the Committee in considering whether the zoning of individual “CDA” sites should be

retained/amended and in monitoring the progress of the “CDA” developments. With the aid of a Powerpoint, Ms. Wong presented the results of the latest review as detailed in the Paper and made the following main points :

- (a) the subject review covered a total of 44 “CDA” sites, 25 of them had no approved MLP and the remaining 19 had approved MLP;

25 “CDA” Sites with No Approved MLP

- (b) as detailed in Appendix I of the Paper, it was proposed to retain the “CDA” zoning of 23 sites with no approved MLP for a variety of reasons including, (i) the MLPs were being prepared; (ii) the sites concerned were land sale sites; (iii) planning briefs were recently approved, under preparation or to be prepared; (iv) some sites were subject to traffic, environmental and/or visual impacts which needed to be properly addressed; and (v) a site was related to preservation of historic building. The “CDA” designation was essential for providing guidance on the proper development of these sites;
- (c) The Committee had agreed in the last 2011 review to rezone two sites, i.e. the site to the immediate west of the MTR Chai Wan Station and the eastern portion of the area bounded by Sung Wong Toi Road, To Kwa Wan Road, Mok Cheong Street and Kowloon City Road, to appropriate zonings. As part of the former site was considered suitable for public rental housing development or alternatively to be developed for commercial use, the “CDA” zoning was proposed to be retained for further study and included in Appendix I of the Paper. Regarding the latter site, given its size, the number of private lots and the government land at the eastern portion of the “CDA” site involved, land assembly was an issue that impeded redevelopment. To enhance the prospect of implementation, consideration would be given to sub-dividing it into smaller “CDA” sites and rezoning the government land portion into smaller sub-areas under the “CDA” zone. The proposal was now under consideration by concerned bureaux/departments. Proposed amendments to the OZP would be submitted to the Committee for consideration as and when appropriate.

The details were shown in Appendix II of the Paper.

- (d) as detailed in Appendix III of the Paper, the Committee noted on 18.3.2011 that the Yau Tong Industrial Area “CDA” site had potential for rezoning. A planning review on the development parameters including the size of the “CDA” zone was conducted in 2011. Relevant government departments including the Agriculture, Fisheries and Conservation Department and the Fish Marketing Organization were consulted on the development options. The site was proposed to be sub-divided into smaller sites with appropriate zonings to facilitate comprehensive redevelopment of the area. The proposed amendments to the “CDA” zone would be submitted to the Committee for consideration in the next round of the OZP amendments;

[Ms. Maggie M.K. Chan and Mr. Felix W. Fong arrived to join the meeting at this point.]

19 “CDA” Sites with Approved MLP

- (e) as detailed in Appendix IV of the Paper, it was proposed to retain the “CDA” zoning of 15 “CDA” sites with approved MLP as these sites either had some progress in construction works or were at various stages of building construction and implementation. Retention of the “CDA” designation was considered necessary to ensure that they would be implemented in accordance with the approved MLPs and approval conditions;
- (f) as detailed in Appendix V of the Paper, the Committee agreed in the last review that the hotel development at the “CDA” site at 23 Oil Street, North Point was completed and considered suitable for rezoning. Due to resumption of the northern part of the site at Oil Street for the Central-Wanchai Bypass project, the Committee on 4.3.2011 agreed to delete/vary the approval conditions relating to the resumed area. The site would be rezoned to “Commercial” to reflect the planning intention of the site and the hotel use in the next round of OZP amendment;

- (g) as detailed in Appendix VI of the Paper, the Committee noted on 18.3.2011 that 3 “CDA” sites including those at Airport Railway Kowloon Station, the Former Marine Police Headquarters site in Salisbury Road and the hotel development at TWIL 5 and Lot 429 in D.D. 399, Ting Kau, Tsuen Wan had potential for rezoning. As developments on these “CDA” zones had been completed, they were proposed for rezoning to appropriate zonings; and
- (h) to sum up, out of 44 “CDA” sites reviewed, 38 were proposed for retention, 2 were already agreed for rezoning, and 4 sites were proposed for rezoning. PlanD would progressively submit the zoning amendments of the respective “CDA” site to the Committee for consideration.

4. In response to a Member’s enquiry, the Secretary said that it was an established practice of Town Planning Board (TPB) to rezone the “CDA” sites to an appropriate zoning when the comprehensive development was completed and all the approval conditions were fulfilled. The Secretary said that the need for “CDA” review was discussed by the TPB in 2000. It was noted that under the “CDA” zone, all uses would require planning permission from TPB, even after the comprehensive development was completed. This might create unnecessary work for the developers as even minor changes in the developments would require planning permission from the TPB. Therefore, the Board agreed that a review on “CDA” sites that had been zoned for more than 3 years would be conducted on an annual basis.

5. The same Member enquired on the difficulty in implementing the comprehensive development under “CDA” zone and the reasons behind the proposed sub-division of the “CDA” sites as recommended in the Paper. The Secretary said that in conducting the annual “CDA” review, Planning Department would send questionnaires to the concerned developers asking whether they had any difficulty in implementing the comprehensive development. The Secretary explained that for those “CDA” sites involving a number of private lots, developers might have difficulty in land assembly, hence impeding the redevelopment process. Subdividing the “CDA” site into small sites would enhance the prospect of implementation. However the size of the sub-divided sites should not be too small so as to ensure that the intention of comprehensive development could still be achieved. In some

other cases, the “CDA” sites were not implemented because the level of development intensity permitted might not be able to offer sufficient redevelopment incentive, and due to land assembly problems or the traffic and environmental problems involved.

Deliberation Session

6. After deliberation, the Committee decided to :
- (a) note the findings of the review of the sites designated “CDA” on statutory plans in the Metro Area;
 - (b) agree to the retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1 and 4.2.2 and detailed at Appendices I and IV of the Paper;
 - (c) note that agreement of the Committee to rezone the sites mentioned in paragraphs 4.1.3, 4.1.4 and 4.2.3 and detailed at Appendices II and V of the Paper; and
 - (d) agree in-principle to the proposed “CDA” sites in paragraph 4.1.5 and 4.2.4 and detailed at Appendices III and VI of the Paper.

[The Chairman thanked Ms. Brenda K.Y. Au, DPO/HK, Miss. Fiona S.Y. Lung, DPO/K, Mr. Wilson W.S. Chan, DPO/TWK, and Ms. Ann O.Y. Wong, STP/NTHQ, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

[Mr. Roger Luk left the meeting at this point.]

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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/540 Proposed Office in “Residential (Group E)” zone, First Floor, No. 5B
Arran Street/No. 1163 Canton Road, Kowloon
(MPC Paper No. A/K3/540)

Presentation and Question Sessions

7. The Secretary reported that the application was submitted by Star China Development Ltd. represented by Raymond Chan Surveyors Ltd (RCS). Mr. Raymond Y.M. Chan had declared an interest in this application as he was the Director of RCS. The Committee noted that Mr. Raymond Chan had tendered apologies for being unable to attend the meeting.

8. 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 highlighting that the proposed office occupied the whole first floor of an existing 9-storey industrial building completed in 1963. The upper floors of the building were mainly used as offices ancillary to industrial and trading firms, workshops and storage use while the ground floor was occupied by shops for building materials. There were two loading/unloading spaces on ground floor;
- (b) the proposed office;
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Yau Tsim Mong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. While the planning intention of the “Residential (Group E)” (“R(E)”) zone under the OZP was to phase out existing industrial uses through redevelopment or conversion for residential uses, the proposed ‘office’ use at the application premises would help phase out the industrial uses in the vicinity. The proposed ‘office’ use at the application premises was considered not incompatible with the existing uses of the subject industrial building, including offices ancillary to industrial and trading firms, workshops and storage use. From a land use planning point of view, the proposed use was not unacceptable. The proposed office use would only occupy the first floor of the existing 9-storey building and was small in scale. As such, it was not expected to have adverse impact to the surroundings. In this regard, concerned departments consulted, including Director of Fire Services (D of FS), Director of Environmental Protection, Director of Drainage Services and Commissioner for Transport, had no in-principle objection to the application.

9. Members had no question on the application.

Deliberation Session

10. 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 16.3.2016, 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 the Fire Services or of the TPB.

11. 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 that the proposed use at the application premises was in breach of the user restriction and was not acceptable under the lease governing the subject lot. Any lease modification or waiver application, if required and submitted, would be processed by his office acting in the capacity as landlord at his discretion, which if approved, would be subject to the terms and conditions including, among others, charging of premium fee, as imposed by him;

- (b) to note the comments of the Commissioner for Transport that he had the rights to impose, alter or cancel any car parking loading/unloading facilities and/or any non-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development; and

- (c) to note the advice of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorized Person to submit building (alterations and additions) plans to demonstrate compliance with the Buildings Ordinance, in particular, the provision of the following at the captioned premises:
 - (i) fire resisting construction under Building (Construction) Regulation 90;

 - (ii) access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free access 2008; and

 - (iii) prescribed windows under Building (Planning) Regulations 30, 31 and 36.

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

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/715 Proposed Hotel (Guesthouse) in “Residential (Group A) 7” zone, 3rd
Floor, Hang Shing Building, Nos. 42-44 Kweilin Street, Kowloon
(MPC Paper No. A/K5/715)

Presentation and Question Sessions

12. With the aid of a visualizer, Mr Philip Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application premises was the subject of four previous applications for commercial bathhouse and massage establishments, three of which were approved. There were 10 similar applications for hotel development within areas zoned “Residential (Group A)” (“R(A)”) on the same Outline Zoning Plan (OZP). All these applications however involved redevelopment;
- (b) the proposed hotel (guesthouse);
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one public comment from the Incorporated Owners (IO) of Hang On Building near the application premises was received. The commenter raised concern about suitability of the application premises for hotel (guesthouse) development in a dense area with heavy pedestrian flow and narrow street, and potential impact of the development on surrounding environment, public order and crime. No local objection was received by the District Officer (Sham Shui Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application premises was located on 3/F of the subject building where G/F to 3/F were for non-domestic uses and 4/F to 11/F for domestic use under the Occupation Permit. There were two lifts (one serving odd numbered floors and the other serving even numbered floors) and a main staircase leading to all upper floors. These shared access facilities were located near the main entrance of the subject building. There was another staircase at the rear of the building leading to the upper floors except the roof floor. This rear staircase was accessible via the entrance at the back alley/service lane. There was no separate access staircase serving the application premises as claimed by the applicant. The operation of the proposed hotel (guesthouse) might create nuisance and inconvenience to the residents of the upper floors. The applicant had not provided any information or measures to safeguard the residents at upper floors from being affected by the shared use of the lifts and staircases of the subject building. Although there were approvals of similar planning applications for hotel use as stated in paragraph 5 of the Paper, those applications were different from the current one as they involved redevelopment of the existing building. The approval of the current application would set an undesirable precedent for other similar applications in composite buildings, which were predominantly for residential use, leading to intrusion of hotel (guesthouse) use into such buildings with shared use of the existing lifts and staircases with residential use on the other floors in the “R(A)” zone. One public comment was received during the statutory public inspection period, raising concern on the location suitability of the application premises for hotel (guesthouse) development and its impact on the surrounding environment, public order and crime.

[Ms. Maggie M.K. Chan left the meeting temporarily at this point.]

13. A Member queried why the previous applications for commercial bathhouse and massage establishments at the application premises were approved noting that there was no separate access to the application premises. Mr. Philip Chum explained that in processing

the previous applications, the Incorporated Owners and the residents of the subject building did not raise any objection to the application. The Chairman said that the reasons of the previous approval were set out in Appendix II of the Paper, and one of the previous applications (No. A/K5/379) was approved by Town Planning Appeal Board.

14. The same Member asked why the existing guesthouse at 2/F of the subject building could operate without any planning permission, and why the Licensing Authority (LA) would grant licence to a guesthouse without planning permission. Mr. Philip Chum explained that it was not absolutely necessary for Home Affairs Department (HAD) to consult PlanD before granting licence for guesthouse renewal cases in particular where there was no change in circumstances, and each case would depend on its own circumstances.

Deliberation Session

15. The Secretary said that the previous application for commercial bathhouse and massage establishment at the application premises (No. A/K5/379) was allowed by the Town Planning Appeal Board because the applicant had proposed to install CCTV to address the security problem, and the revised TPB Guidelines for Application for Commercial Bathhouse and Massage Establishment under Section 16 of the Town Planning Ordinance only came into force subsequent to the consideration of the planning application.

16. A Member commented that while the enforcement of non-conforming uses in the urban area had to rely on other departments, it was undesirable that the granting of guesthouse licences by LA did not require consultation with PlanD and compliance with the Town Planning Ordinance (TPO). Mr. Philip Chum said that according to HAD, the licence of the guesthouse at 2/F was renewed by LA as there was no change in circumstances.

17. Noting that there was a sign board indicating the guesthouse at 2/F was an hourly hotel, the Chairman asked if there was any objection from the IO of the subject building. Mr. Philip Chum said that according to PlanD's record, no complaint from nearby residents to the guesthouse at 2/F was received.

18. The Chairman emphasized that the consideration of the subject application and the non-compliance of the guesthouse at 2/F with TPO were two separate issues. He asked

Members to focus on the merits of the subject application.

19. A Member said that the subject application should be rejected but was concerned that the Committee might be asked why the guesthouse at 2/F was allowed to operate without planning permission. Another Member also agreed to reject the application and asked whether the guesthouse at 2/F could be regarded as illegal, and how the public could lodge complaint regarding such use. The Chairman clarified that the guesthouse at 2/F could be regarded as a non-conforming use under the OZP. The Secretary explained that not all licencing Ordinances had a requirement for compliance with TPO. If the requirement for compliance with TPO was not a requirement under the relevant licencing Ordinance, the LA might not be able to refuse the granting licence if all other conditions were fulfilled. For cases that had been granted licence for a long period of time, the LA might renew the licence when there was no change in circumstances. Noting Members' concerns, the Secretary suggested conveying Members' view on the granting of guesthouse licence to LA.

20. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 10 of the Paper and considered that they were appropriate. The reasons were:

- (a) as the proposed hotel (guesthouse) was not served with an independent access separated from the domestic portion at the upper floors of the subject building, its operation might cause nuisance and inconvenience to the residents of the same building; and
- (b) the approval of the application would set an undesirable precedent for other similar hotel/guesthouse applications which would lead to intrusion of guesthouse use into composite buildings with shared use of the existing lifts and staircases with the residential use on other floors.

21. The Committee also agreed to convey a message to the LA asking the authority to consider the compliance with TPO in granting guesthouse licence.

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

[Ms. Fannie F.L. Hung, STP/TWK, was invited to the meeting at this point.]

Agenda Items 6 and 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/386 Shop and Services (Property Agency) in “Other Specified Uses” annotated “Business” zone, Workshop Unit B1, G/F, Koon Wo Industrial Building, Nos. 63-75 Ta Chuen Ping Street, Kwai Chung
(MPC Paper No. A/KC/386)

A/KC/387 Shop and Services (Property Agency) in “Other Specified Uses” annotated “Business” zone, Workshop Unit B5, G/F, Koon Wo Industrial Building, Nos. 63-75 Ta Chuen Ping Street, Kwai Chung
(MPC Paper No. A/KC/387)

Presentation and Question Sessions

22. The Committee noted that the two applications were similar in nature (shop and services (property agency)) and both application premises were located at the ground floor of the same building. The Committee agreed that the two applications could be considered together.

[Mr. Felix W. Fong and Mr. Ken Y.K. Wong left the meeting temporarily at this point.]

23. With the aid of a visualizer, Ms Fannie Hung, STP/TWK, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications highlighting that portions of the application premises were part of the subject of a previous application (No. A/KC/189) for a furniture retail shop (about 133m²) rejected by the Committee on 17.11.1995. The rejection reasons were non-compliance with the Town Planning Board Guidelines for Commercial Use in Industrial Building within “Industrial” zone (the application premises were zoned “Industrial” on the then prevailing Outline Zoning Plan, and rezoned to “Other

Specified Uses” annotated “Business” (“OU(B)”) in 2001), no strong justification to give up industrial floor space for furniture retail shop and setting of undesirable precedent;

- (b) the shop and services (property agency);
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one supportive public comment was received for each of these two applications. No local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Papers. The “OU(B)” zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the shop and services use would not induce adverse fire safety and environmental impacts. The shop and services use under application at the application premises was considered not incompatible with the uses of the subject industrial building which mainly comprised another property agency, two metal companies, a mirror factory on the G/F, and industrial-related offices and printing companies on the upper floors. The use under application complied with the relevant considerations in the Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Relevant government departments including Commissioner for Transport, Commissioner of Police and Director of Fire Services (D of FS) had no objection to or comment on the application. As confirmed by the D of FS, the subject industrial building, which was sprinkler protected, was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F. The GFA under these two applications for shop and services (property agency) submitted

by the same applicant were accountable towards the aggregate commercial floor area while the other uses at G/F were not subject to the maximum permissible limit of 460m². The total GFA under application No. A/KC/386 (about 9.1m²) and application No. A/KC/387 (about 15.7m²) was 24.8m² which was still within the maximum permissible limit of 460m². In this connection, D of FS had no objection to the application subject to approval condition on the provision of fire service installations. One supportive public comment was received for each of these two applications during the statutory publication period.

24. Members had no question on the applications.

Deliberation Session

25. After deliberation, the Committee decided to approve the two applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions were subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 16.9.2012; 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.

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

- (a) to remind the applicant that prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai

Tsing, Lands Department that if the application was approved by the TPB, the owner should apply to his office for a temporary waiver. The temporary waiver application would be considered by Lands Department acting in the capacity as landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as might be approved by Lands Department;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the compliance with the provisions of the Buildings Ordinance: (i) the Premises should be separated from the remainder of the building with fire resistance period of not less than 2 hours; and (ii) under Buildings Ordinance section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those exempted works as defined in Buildings Ordinance section 41; and
- (d) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for further information on the fulfilment of the approval conditions herein.

[The Chairman thanked Ms. Fannie F.L. Hung, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Hong Kong District

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

Agenda Item 8

Section 16 Application

[Open Meeting]

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

27. The Secretary reported that Mr. Felix Fong had declared an interest as he owned a flat on Repulse Bay Road. Professor S.C. Wong had declared an interest in this application as he had current business dealings with Ove Arup and Partners Hong Kong Ltd., one of the consultants of the application. The Committee noted that Mr. Fong had left the meeting temporarily. Besides, as the case was for deferral, the Committee agreed that Professor Wong could be allowed to stay in the meeting.

28. The Secretary reported that 9.3.2012, the applicant’s representative requested the Board to further defer making a decision on the application by two meetings to 20.4.2012 to allow sufficient time for the applicant to prepare improvement measures and submit further information to address various departmental comments and the comments collected at the meetings with local residents and the District Development and Environment Committee of the Southern District Council on 19.2.2012 and 20.2.2012 respectively, and to allow time for concerned departments to consider the further information.

29. 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, and also agreed that the application should be submitted to the Committee for consideration at its meeting on 20.4.2012. The Committee also agreed to advise the applicant that a period of about one month was allowed for preparation of the submission of further information, and since this was the second deferment of the application and a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/69 Renewal of Planning Permission for Temporary ‘House (Conversion of Existing Building)’ Use for a Period of 3 Years in “Government, Institution or Community (1)” zone, Former Government Staff Quarters of Water Supplies Department, Tai Tam Tuk Raw Water Pumping Station, Tai Tam

(MPC Paper No. A/H18/69)

Presentation and Question Sessions

30. The Secretary reported that the Tai Tam Tuk Raw Water Pumping Station Senior Staff Quarters within the application site was a declared monument under the Antiquities and Monuments Ordinance. The Chairman was a member of the Expert Panel of Antiquities Advisory Board (AAB) and Mr. Laurence Li was a member of the AAB. Members agreed that the interest of the Chairman and Mr. Li was indirect and hence they could be allowed to stay at the meeting.

[Mr. Felix W. Fong and Mr. Ken Y.K. Wong returned to join the meeting at this point.]

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

- (a) background to the application highlighting that the application site comprised a 2-storey European style building and a single-storey building which were declared monuments, as well as a garage and the adjoining open area. The site was the subject of two previous planning applications (No. A/H18/47 and A/H18/52) submitted by the same applicant, i.e. Government Property Agency (GPA) to convert the existing buildings for house use, which were approved by the Committee on 30.7.2004 and 11.5.2007 respectively on a temporary basis for 5 years. Currently the application site was let out by GPA as private residence of one single family up to 11.5.2012.

- (b) the renewal of planning permission for temporary 'house (conversion of existing building)' use for a period of 3 years;
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter suggested the Government to include the monument into the next round of Revitalising Historic Buildings Through Partnership Scheme. No local objection was received by the District Officer (Southern); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper which were summarized below:
 - (i) The application site was previously used by Water Supplies Department for staff quarters purpose. There were a 2-storey European style building, a single-storey building and a garage on the site. Government Property Agency (GPA) submitted two previous planning applications (No. A/H18/47 and A/H18/52) to convert the existing buildings for house use, which were approved by the Committee on 30.7.2004 and 11.5.2007 respectively on a temporary basis for 5 years. The application site was currently let out by GPA as private residence of one single family with a term up to 11.5.2012. The buildings on the application site were declared as a monument on 18.9.2009.
 - (ii) The applicant sought renewal of planning approval for the same use for another 3 years. The renewal application generally complied with the relevant assessment criteria in TPB PG-No. 34B in that the temporary 'House' use under application was considered not incompatible with the surrounding land uses, which were predominantly residential and government, institution and

community developments. The proposed residential use was similar in nature to that of the former use of the application site as staff quarters. There had generally been no change in the planning circumstances and the land uses of the surrounding areas since the granting of the last temporary approval on 11.5.2007, apart from the declaration of the buildings on the application site as a monument. Before considering other uses for revitalisation of the monument, Commissioner for Heritage's Office, Development Bureau and Antiquities and Monument Office, Leisure and Cultural Services Department had no objection to the continued use of the site for a private residence for a further 3 years. This would allow better utilisation of the land resources. The planning condition of the previous planning permission on provision of fire service installations had been incorporated in the existing tenancy agreement. Approval of the renewal application on a temporary basis for a further 3 years would not frustrate heritage conservation and revitalisation of the monument in future. Concerned government bureaux/departments had no objection to or no adverse comment on the application.

- (iii) On the tree preservation aspect mentioned by Director of Agriculture, Fisheries and Conservation, an approval condition was recommended should the Town Planning Board agree to the application.
- (iv) Regarding the commenter's suggestion to include the monument into the next round of revitalisation scheme, the concerned government bureaux/departments would consider revitalisation proposals for the monument.

32. Members had no question on the application.

Deliberation Session

33. Noting that any works to the declared monuments in the application site would be required to obtain an environmental permit, Mr. Ken Y.K. Wong suggested adding an advisory clause reminding the applicant to obtain an environmental permit prior to commencement of any earthworks or building works to the monument. Members agreed.

34. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 12.5.2012 to 11.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) 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
- (b) to preserve and maintain all the existing trees on site during the approval period to the satisfaction of the Director of Planning or of the TPB.

35. Members went through the advisory clauses as stated in paragraph 12.2 of the Paper and agreed that an additional advisory clause should be added as suggested by Mr. Ken Wong. The Committee agreed to advise the applicant of the following:

- (a) to obtain a permit under section 6 of the Antiquities and Monuments Ordinance from the Antiquities Authority through the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department prior to commencement of any works to the monument;
- (b) the premises should be made available to the staff of AMO to gain access for the purpose of any site inspection, improvement or development in connection with the monument;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 9.1.3 of the Paper regarding the implementation of the security and safety measures within the boundary of

Tai Tam Tuk Raw Water Pumping Station;

- (d) to note the comments of the Director of Fire Services in paragraph 9.1.4 of the Paper regarding the compliance of Code of Practice for Means of Access for Firefighting and Rescue;
- (e) to note comments of Chief Engineer/Hong Kong & Islands, Drainage Services Department in paragraph 9.1.6 of the Paper regarding that the application site had no connection to the public sewer and stormwater draining system; and
- (f) to obtain an environmental permit under the Environmental Impact Assessment Ordinance prior to commencement of any earthworks or building works to the monument.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

36. The Secretary reported that the Vice Chairman had declared an interest in this application as his office was located above the application premises within the same building.

The Committee agreed that the Vice Chairman should leave the meeting temporarily.

[The Vice Chairman left the meeting at this point.]

37. With the aid of a Powerpoint, Irene Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that planning permission for the commercial bathhouse and massage establishment at 3/F of the same building operated by the same applicant was approved by the Committee under Application No. A/H8/314 on 24.10.1997;
- (b) the proposed commercial bathhouse and massage establishment at 2/F currently under renovation was an extension to the aforesaid existing commercial bathhouse and massage establishment at 3/F of the same building;
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one public comment from the Chairman of the Incorporated Owners' (IO) of Fortress Metro Tower located to the southwest of the subject building was received. The commenter pointed out that some flats of Fortress Metro Tower were subject to noise nuisance generated by the air-conditioning facilities of the existing commercial bathhouse and massage establishment on the podium roof of the subject building. The noise nuisance had exceeded the statutory limit and Environmental Protection Department (EPD) had requested the operator to mitigate the noise impact. The proposed development was an extension of the existing commercial bathhouse and massage establishment on 3/F and the IO was concerned about the potential noise and other impacts which might be generated by the proposed development. Besides, a resident of Fortress Metro Tower had written to EPD and the Town Planning Board (TPB) complaining about the noise

nuisance of the aforesaid air-conditioning facilities. District Officer (Eastern) had conducted a local consultation and most of the respondents raised objection to the application due to worry about law and order becoming worse in the area; and

(e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper which were summarized below:

(i) The proposed development fell within an area zoned “Commercial/Residential” with a mix of commercial, residential and composite commercial/residential buildings. Given the mixed nature of the existing developments in the vicinity, the proposed commercial bathhouse and massage establishment was considered not incompatible with the surrounding developments.

(ii) The proposed development occupied the entire 2/F of the subject commercial/office building. It was an extension to the existing commercial bathhouse and massage establishment on 3/F with planning permission granted by the Committee on 24.10.1997. The other floors were mainly occupied by shops and services, offices and educational institution uses without any residential use. The proposed establishment was considered not unacceptable in terms of compatibility with the mixed uses within the same building. Besides, the subject building had main entrance on G/F with escalators leading to 1/F. The upper floors (4/F and above) were served by the lifts on 1/F which will not stop at 2/F and 3/F. The proposed commercial bathhouse and massage establishment was accessible by exclusive lifts and staircase on G/F which only served the application premises on 2/F and the existing commercial bathhouse and massage establishment on 3/F. The proposed use would unlikely cause inconvenience to the rest of the occupants within the building. Concerned departments, including Fire Services Department and Buildings Department had no objection to

the application.

- (iii) Regarding a public comment and complaint from a local resident on the noise nuisance in respect of the air-conditioning facilities of the existing and proposed commercial bathhouse and massage establishment, the noise impact was subject to statutory control under the Noise Control Ordinance. The applicant had confirmed that the existing two sets of chillers on the podium roof (4/F) would be removed and a new chiller with silencer and acoustic panel would be used for the routine operation serving the existing and proposed extension of the commercial bathhouse and massage establishment on 3/F and 2/F respectively. The submitted assessment had demonstrated that the predicted noise level would comply with the relevant noise planning standard (i.e. 50dB(A) during night time). EPD had no objection to the planning application, and relevant approval conditions were suggested in paragraphs 13.2 (a) and (b) of the Paper to meet EPD's requirement. An advisory clause reminding the applicant to comply with all relevant pollution control ordinances was also suggested in paragraph 13.2 (c) of the Paper. Regarding the local concern on law and order, Commissioner of Police would monitor the public law and order through the massage establishment licensing system.

- (iv) Based on the above, the proposed commercial bathhouse and massage establishment was generally in line with the planning criteria as laid down in TPB PG-No. 14B "Application for Commercial Bathhouse and Massage Establishment under Section 16 of the Town Planning Ordinance" in that it was located within a commercial/office building, not incompatible with the other non-domestic uses on other floors, and being served by exclusive lifts/staircases. Concerned government departments had no objection to or no adverse comments on the application. The local concern on noise nuisance could be addressed by appropriate approval conditions/advisory clauses.

38. Members had no question on the application.

Deliberation Session

39. 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 16.3.2016, 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 a new chiller serving the proposed commercial bathhouse and massage establishment prior to operation to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB;
- (b) the removal of the existing two sets of chillers located on the podium floor of Fortress Tower prior to the operation of the proposed commercial bathhouse and massage establishment;
- (c) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) if any of the above planning conditions (a) and (b) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) to note the comments of Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department (BD) in paragraphs 10.1.2 (b) and (c) of the Paper regarding the submission of alteration and addition plans for the proposed change in use and the requirements of Building (Planning) Regulation 72 and the Design Manual: Barrier Free Access 2008 for provisions for persons with a disability;

- (b) to note the comments of Chief Building Surveyor/Section B, Existing Buildings Division 1, BD in paragraph 10.1.3 of the Paper that all building works in relation to the air-conditioning plants whether existing or new should be subject to compliance with the Buildings Ordinance and allied regulations; and
- (c) to note the comments of DEP in paragraph 10.1.8 (c) of the Paper regarding the compliance with relevant pollution control ordinances, including Noise Control Ordinance, Air Pollution Control Ordinance, Water Pollution Control Ordinance and Waste Disposal Ordinance.

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/H9/66 Proposed Public Utility Installation (Electricity Substation) cum Open Space in "Other Specified Uses" annotated "Tram Depot (Under)" and "Open Space" zones, Government Land in between Hing Man Street and Oi Shun Road, Sai Wan Ho
(MPC Paper No. A/H9/66A)

41. The Secretary reported that the application submitted by Hongkong Electric Co. Ltd. which was a subsidiary of Cheung Kong (Holdings) Ltd. (CKH). Professor P.P. Ho and Mr. Felix Fong had declared an interest in this item as they had current business dealings with CKH and its sister company respectively. As the case was for deferral, Mr. Felix Fong could be allowed to stay in the meeting. Besides, the Committee noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting.

42. The Committee noted that the applicant's representative had requested on 6.3.2012 for deferment of the consideration of the application for another two months in order to allow more time for the applicant to arrange consultation sessions with concerned parties.

43. 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 the further information, and no further deferment would be granted unless under very special circumstances.

Kowloon District

Agenda Item 12

Section 12A Application

[Open Meeting]

Y/K18/7 Application for Amendment to the Approved Kowloon Tong Outline Zoning Plan No. S/K18/16 from “Government, Institution or Community (2)” to “Government, Institution or Community (6)” with Maximum Building Height Restriction of 8 Storeys (excluding basement floor(s)), 300 Junction Road, Kowloon Tong
(MPC Paper No. Y/K18/7)

44. The Committee noted that the applicant’s representative had requested on 2.3.2012 for deferment of the consideration of the application for two months in order to allow time for the applicant to carry out surveys to address comments of the Environmental Protection Department.

45. 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.

Agenda Item 13

Any Other Business

46. There being no other business, the meeting closed at 10:15 a.m..