

**TOWN PLANNING BOARD**

**Minutes of 470th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 20.7.2012**

**Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Ms. Bonnie J.Y. Chan

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Mr. Stephen H. B. Yau

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

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

Assistant Director (Hong Kong), Lands Department  
Ms. Doris Chow

Deputy Director of Planning/District  
Ms. Phyllis Li

Secretary

**Absent with Apologies**

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

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

**In Attendance**

Assistant Director of Planning/Board  
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board  
Mr. Edward W. M. Lo

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 469th MPC Meeting held on 6.7.2012

[Open Meeting]

1. The draft minutes of the 469th MPC meeting held on 6.7.2012 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

Section 12A Application

[Open Meeting]

Y/KC/3                      Application for Amendment to the Draft Kwai Chung Outline Zoning Plan No. S/KC/26 from “Industrial” to “Other Specified Uses” annotated 'Columbarium', No. 2-6 Wing Lap Street, Kwai Chung  
(MPC Paper No. Y/KC/3 )

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3. The Secretary reported that Environ Hong Kong Ltd. (Environ) was the consultant of the applicant. Ms. Julia Lau, who had current business dealings with Environ, had declared an interest in this item. The Committee noted that Ms. Lau had not arrived at the meeting yet.

4. The Committee noted that the applicant’s representative requested on 28.6.2012 for deferment of the consideration of the application for one month in order to allow more time to address the outstanding drainage and traffic issues raised by the concerned government departments and comments from the general public.

5. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a period of one month was allowed for the preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

[Mr. Tom C.K. Yip, 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/K1/232                      Proposed Minor Relaxation of Building Height Restriction for permitted Flat Use in “Residential (Group A)” zone, No. 2 Tak Shing Street, Jordan  
(MPC Paper No. A/K1/232)

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

6. With the aid of a powerpoint, Mr. Tom C.K. Yip, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that two similar planning applications (i.e. Applications No. A/K1/226 and A/K1/227) for minor relaxation of the building height (BH) restriction from 80mPD to 85.6mPD and 86.9mPD respectively for “Residential (Group A)” (“R(A)”) zones in the Tsim Sha Tsui Outline Zoning Plan (OZP) were approved with conditions by the Committee;
- (b) the applicant sought planning permission to relax the BH restriction from 80mPD to 91.6mPD (+11.6m / 14.5% by mPD) for a proposed residential development with shop uses at the ground floor. The current site level of

the application site was 13.1mPD, which was higher than the site levels of “R(A)” sites at the two ends of Tak Shing Street (i.e. 10.7mPD to 12.1mPD) and at the northern end of Tak Hing Street (i.e. 8mPD) (Figure 3 of Appendix Ia of the Paper). The absolute BH of the proposed development would be 79.1m. The mean formation level of the site upon redevelopment would be reduced to 12.5mPD. The achievable BH of 67.5m for the site under the BHR of 80mPD had imposed a constraint in achieving the permissible plot ratio under the OZP. The proposed relaxation of BH restriction by 11.6m would allow the development to achieve a domestic floor height of 3.15m which was reasonable. Three building setbacks, including a 3m-wide building setback fronting Tak Shing Street at the south, a 11m-wide setback from the back service lane at the north and a 2m-wide partial podium setback at the south-western corner of the application site (Drawings A-3 and A-5 of the Paper) were planning merits which provided better streetscape as well as enhancing air ventilation and visual permeability;

- (c) the absolute BH of 79.1m of the proposed development at the application site was similar to the two approved similar applications (Application Nos. A/K1/226 and A/K1/227) at 79.1m and 80.6m respectively largely due to site level difference;
- (d) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (e) during the first three weeks of the statutory publication period, five public comments were received. One commenter supported the application as better environment at street level could be achieved and future residents could enjoy better living quality. The other four commenters objected to the application on the grounds that the proposed relaxation of BH restriction would create a wall-like development which would block air ventilation, reduce wind speed, and generate adverse impacts on air quality, sunlight penetration and the surrounding living environment. The

wall-like building would weaken television and mobile phone signal received by adjoining lower-rise residential buildings. With the proposed development, No. 1 Tak Hing Street would be sandwiched by two tall buildings, i.e. Prudential Centre and the proposed development, and would be subject to stagnant exhaust air and echo of noise. This would affect the health of the residents and workers in No. 1 Tak Hing Street. No local objection was received by the District Officer (Yau Tsim Mong); and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10 of the Paper. Regarding the public concern on the adverse visual and air ventilation impacts on the surrounding developments and the blockage of sunlight, the proposed development would include three setbacks in different directions to increase the separation from the adjoining developments. The Chief Town Planner/Urban Design and Landscape, Planning Department had no adverse comment on the proposed development from the visual and air ventilation viewpoint. On the environmental concerns, the Director of Environmental Protection had no objection to the application from the environmental protection viewpoint. In respect of the impact on No.1 Tak Hing Street, the proposed setbacks at the southern and south-western parts of the site would achieve a greater separation between the proposed development and No. 1 Tak Hing Street.

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

7. In response to a Member's question on the planning merits of the proposed building setbacks from Tak Shing Street and from the back service lane particularly on their availability for public enjoyment, Mr. Tom Yip explained that the building setback at Tak Shing Street could allow the pavement to be widened to 6m and would be accessible to the public. The proposed setback at the back service lane would be used by the residents of the proposed development only, and the area would be paved and landscaped with amenity planting so as to provide a better environment. There would also be adequate lighting for better neighbourhood security. Mr. Tom Yip added that the applicant had proposed tree planting along the aforesaid setback areas to provide better streetscape, and an approval

condition requiring the submission and implementation of a landscape proposal had already been stipulated to ensure the proper implementation of such proposal. The aforesaid setbacks could also create wider gaps from the adjacent buildings, thus improving visual permeability and local air ventilation.

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

8. In response to another Member's question on why the BH restriction was expressed in mPD and not in terms of absolute BH in metre, Mr. Tom Yip said that in most of the OZPs, the BH restrictions were expressed in mPD. As mPD figures had a common reference point, it would facilitate easy comparison of the BH restrictions for different sites, such that the intended BH profile for the area could be understood more easily. If the BH restrictions were stipulated in absolute BH in metre, with varying site levels among different sites, it would be difficult to understand the different height bands in the area.

9. In response to a Member's question, Mr. Tom Yip said that according to the development proposal, the applicant had already maximized the site coverage of the application site as permitted under the Building (Planning) Regulations and thus it could not be further increased to accommodate the permissible plot ratio at a lower BH. The same Member pointed out that the benefits brought about by the proposed setback along Tak Shing Street was rather limited since other buildings along Tak Shing Street did not have similar setback, especially the building at the junction of Tak Shing Street and Tak Hing Street. Mr. Tom Yip replied that the proposed setback from Tak Shing Street would increase building separation from the adjacent buildings and improve the pedestrian environment, visual permeability and air ventilation of the section of Tak Shing Street that the application site was fronting, which was about 20m long. Although setback of other buildings along Tak Shing Street was beyond the control of the applicant, the setback of the proposed development at Tak Shing Street would encourage similar setback upon redevelopment of the adjacent developments in future.

#### Deliberation Session

10. The Chairman said that there were planning merits in the application in terms of better visual permeability and enhanced air ventilation to be brought about by the building

setbacks. The proposed relaxation of BH restriction was considered acceptable taking account of the fact that the site on a higher site level and the floor to floor height of 3.15m was not unreasonable.

11. In response to a Member's question, Mr. Tom Yip explained that the BH restriction was to instigate control on the overall BH profile of the area with a view to achieving a stepped height profile for visual and air permeability. A minor relaxation clause in respect of BH restriction was incorporated into the Notes of the OZP in order to provide flexibility to give consideration to site constraints or circumstances of individual site on its individual merits. Therefore there would not be a contradiction to the planning intention of imposing BH restriction. The Chairman stated that the minor relaxation clause would also provide incentive for developments with design merits or planning gains including amalgamating small sites for achieving better design and local improvement.

12. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.7.2016, 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 submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that the proposed gross floor area (GFA) concession would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If approval was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB might be required;



- (b) to note the advice of the Chief Building Surveyor/Kowloon, Buildings Department to refer to the criteria as stated in Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and PNAP APP-152; and
- (c) to note the comments of the District Lands Officer/Kowloon West, Lands Department that the proposed development with no provision of car parking and loading/unloading spaces did not comply with the lease conditions governing the lots. Any application to his Department to seek compliance with the lease conditions, if submitted by the applicant, would be processed by his Department acting in the capacity as landlord at his discretion. If it was approved, it would be subject to terms and conditions including, amongst others, charging of premium and fee, as imposed by his Department.

[The Chairman thanked Mr. Tom C.K. Yip, 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/K5/720                      Shop and Services (Fast Food Shop) in "Other Specified Uses" annotated "Business" zone, Unit A, G/F, Hang Cheong Factory Building, No. 1 Wing Ming Street, Lai Chi Kok  
(MPC Paper No. A/K5/720)

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### **Presentation and Question Sessions**

14.            Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (fast food shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received expressing concern on oily fume and cooking odour generated from the food operation and on fire safety. No local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper. Regarding the public comment received, both Director of Environmental Protection and Director of Fire Services did not have objection to the application. The concerns of the commenter could be addressed by imposing a condition requiring the provision of fire services installation, should the application be approved. Moreover, the applicant would be reminded to observe the practical control measures stipulated in the booklet 'Control of Oily Fume and Cooking Odour from Restaurants and Food Business' to prevent oily fume and cooking odour emissions from causing air pollution problems.

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 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2013; 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.

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

- (a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of a temporary waiver or lease modification;
- (c) to note the advice of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorized Person to submit building plans for the change in use to demonstrate compliance with the Buildings Ordinance, in particular, the provision of:
  - (i) adequate means of escape in accordance with the Building (Planning) Regulation 41(1) and the Code of Practice for the Fire Safety in Buildings 2011;
  - (ii) adequate fire resisting construction to separate the Premises from the parts of the building for different use classifications and/or occupancies in accordance with the Building (Construction) Regulation 90 and Code of Practice for the Fire Safety in Buildings 2011; and
  - (iii) access and facilities for persons with a disability under Building (Planning) Regulations 72 and Design Manual: Barrier Free Access 2008.

- (d) to note the comments of the Director of Environmental Protection that the practical control measures stipulated in the booklet ‘Control of Oily Fume and Cooking Odour from Restaurants and Food Business’ to prevent oily fume and cooking odour emissions from causing air pollution problems should be observed; and
- (e) to note the advice of the Director of Food and Environmental Hygiene to obtain appropriate licence/permit from the Food and Environmental Hygiene Department.

[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 Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/390                      Proposed Hotel in “Other Specified Uses” annotated “Business” zone,  
No. 119 Wo Yi Hop Road, Kwai Chung (Kwai Chung Town Lot 167)  
(MPC Paper No. A/KC/390)

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### **Presentation and Question Sessions**

18.            The Secretary reported that Kenneth To & Associates Ltd. (KTAL) was the consultant of the applicant. Mr. Dominic Lam and Mr. Patrick Lau, who had current business dealings with KTAL, had declared an interest in this item. As Mr. Lam and Mr. Lau had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

19.            Ms. Fannie F.L. Hung, STP/TWK, said that further information was received from the applicant on 18.7.2012 after the issue of the Paper, which clarified that the proposed total gross floor area (GFA) did not include the GFA of the carpark and E&M rooms. The

further information had been tabled at the meeting for Members' information. With the aid of a powerpoint, she presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the subject industrial building was the subject of a set of general building plans approved by the Building Authority in 1973 with a GFA of about 14,591.937m<sup>2</sup>, which was equivalent to a plot ratio (PR) of 11.12, and a building height (BH) of 14 storeys when there was no PR restriction for the site under the Outline Zoning Plan. The application site was currently zoned "Other Specified Uses" annotated "Business" ("OU(B)") subject to a maximum PR of 9.5 and a maximum BH of 130mPD, or the PR/BH of the existing building, whichever was the greater;
- (b) the proposed hotel with not more than 427 hotel rooms and a total GFA of 12,691.94m<sup>2</sup> was an in-situ conversion of an existing industrial building at a PR of 9.68 and building height of 87.93mPD/14 storeys. There would be no increase in building height and building bulk. Although the proposed PR exceeded the PR restriction of 9.5 for the "OU(B)" zone, it would be less than the PR of 11.12 of the existing building according to the aforesaid approved building plans;
- (c) departmental comments – the Commissioner for Tourism supported the application, other concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no comment was received during the first three weeks of the first and second statutory publication periods;
- (e) during the first three weeks of the third statutory publication period, two public comments were received. One of them had concern on possible adverse traffic impact on the surrounding areas. Another supported the application as it could increase job opportunities and improve the economy;

- (f) during the first three weeks of the fourth statutory publication period, two public comments were received. One of them objected to the application without specifying the reasons while the other was concerned that the proposed development would result in light pollution to the nearby residents. No local objection was received by the District Officer (Kwai Tsing); and
- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12 of the Paper. Regarding the public comments which objected to the application on grounds of traffic and light pollution, the Commissioner for Transport and the Director of Environmental Protection had no objection to the application on traffic and environmental aspects.

20. In response to a Member's query, Ms. Fannie Hung said that the car parking arrangement of the proposal was acceptable to the Commissioner for Transport.

#### Deliberation Session

21. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.7.2016, 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 proposed development was subject to a maximum gross floor area (GFA) of 12,691.94m<sup>2</sup>. Any floor space that was constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in the GFA calculation;
- (b) the design and provision of vehicular access, car park and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (c) the provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development and the proposed GFA exemption for back-of-house facilities would be granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to note the advice of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) to apply for a modification/special waiver for the proposed wholesale conversion. The application would be considered by LandsD 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 premium/waiver fee and administrative fee as might be approved by LandsD;
- (c) to note the advice of the Chief Building Surveyor/New Territories West, Buildings Department to appoint an Authorized Person to submit building plans for the proposed change in use/alteration works to demonstrate full compliance with the current provisions of the Buildings Ordinance;
- (d) to note the comments of the Director of Fire Services that arrangement that emergency vehicular access (EVA) should comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which was administered by the Buildings Department; and
- (e) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department that as the building was

originally approved by the BA for non-domestic use, the applicant should submit documentary evidence showing that the BA had granted prior approval for the proposed use when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO). The proposed licence area should be physically connected and the siting of the proposal was considered acceptable from licensing point of view. Comments on the fire service installations provisions could not be offered at this stage due to insufficient information provided. The applicant's attention should be drawn to Para. 4.28 of Code of Practice for Minimum Fire Service Installations and Equipment. The licensing requirements would be formulated after inspections by the Building Safety Unit and Fire Safety Team of his office upon receipt of a licence application under HAGAO.

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/TW/435                      Renewal of Planning Approval for Temporary Shop and Services (Motor-vehicle Showroom) Use 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 7, Discovery Park, 398 Castle Peak Road, Tsuen Wan  
(MPC Paper No. A/TW/435)

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23.            The Secretary reported that the application was related to New World Development Co. Ltd. (NWDCL) since the Discovery Park shopping centre where the application premises fell within was owned by NWDCL. Mr. Dominic Lam, who had current business dealings with NWDCL, had declared an interest in this item. Besides, Kenneth To & Associates Ltd. (KTAL) was the consultant of the applicant. Mr. Dominic Lam and Mr. Patrick Lau, who had current business dealings with KTAL, had declared an interest in this item. As the applicant had requested a deferral of consideration of the



application, the Committee agreed that Mr. Lam and Mr. Lau could stay in the meeting.

24. The Secretary reported that the application was the subject of a previous application (No. A/TW/407) which was approved by the Committee on 21.8.2009 and the planning permission would lapse on 21.8.2012. On 6.7.2012, the applicant's representative requested the Board to defer making a decision on the application by one meeting to 10.8.2012 to prepare further information to substantiate the application.

25. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration at its meeting on 10.8.2012, which was before the expiry of the planning permission under the previous application No. A/TW/407 on 21.8.2012.

### **Hong Kong District**

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

#### **Agenda Item 8**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/H12/26                      Proposed Comprehensive Residential Development ('Flat' & 'House' Uses) with Supporting Commercial Uses ('Eating Place' & 'Shop and Services' Uses) in "Comprehensive Development Area" zone, No. 18 Stubbs Road and adjoining Government Land, Mid-levels East  
(MPC Paper No. A/H12/26)

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

26. The Secretary reported that the application was related to Sun Hung Kai Properties Ltd (SHK), the developer of the subject development. Besides, LD Asia,

AECOM Asia Co. Ltd (AECOM), Environ Hong Kong Ltd (Environ) and Ove Arup & Partners Hong Kong Ltd (Ove Arup) were the consultants of the applicant. The following Members had declared interests in this application:

- Mr. Dominic Lam - having current business dealings with SHK, AECOM and Ove Arup
- Mr. Patrick Lau - having current business dealings with SHK, LD Asia, AECOM and Ove Arup
- Professor S.C. Wong - having current business dealings with AECOM and Ove Arup
- Ms. Julia Lau - having current business dealings with Environ

27. The Committee considered that the interests of Mr. Lam and Mr. Lau were direct and agreed that they should be invited to withdraw from the meeting. As Professor S.C. Wong and Ms. Lau had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

[Mr. Dominic Lam and Mr. Patrick Lau left the meeting temporarily at this point.]

28. With the aid of a powerpoint, Ms. Kitty S.T. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application site was occupied by the former Lingnan College, which was under demolition. A planning brief (PB) endorsed by the Committee on 9.10.2009 (Appendix II of the Paper) set out the major design principles and parameters of the development in the subject “Comprehensive Development Area” (“CDA”) zone;
- (b) the proposed comprehensive residential development, consisting of five blocks of 7-storey residential towers and 19 houses of 4 to 5 storeys (including 2 storeys of basement) with a domestic gross floor area (GFA) of 16,780m<sup>2</sup> as well as supporting commercial uses with a non-domestic GFA of not more than 20m<sup>2</sup>, had a total GFA of 16,800m<sup>2</sup> (plot ratio of

about 1.051) and maximum building height of 120mPD (including roof structures). Vehicular access would be provided at the existing access road branching off Stubbs Road. The existing stairway along the eastern boundary between Stubbs Road and Lingnan Primary School and Kindergarten (LPSK) would be upgraded. A public loading/unloading area would be provided in the north-eastern corner of the site (Plan A-2 of the Paper). The proposed development would be sited on two distinct platform levels with a gradation in the building height profile. A 10m wide non-building area would be provided abutting Stubbs Road. A minimum greenery coverage of 30% (including vertical greening) would be provided at the site. At least 20% of the greenery at the common area was at ground level or the pedestrian zone;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 11 of the Paper;
- (d) during the first three weeks of the statutory publication period, a total of 16 public comments were received, majority of which were made by the residents of Goodview Garden nearby. One commenter suggested an additional vehicular entrance to the proposed development to mitigate the potential traffic congestion, while the remaining commenters objected to the application. Their major views were summarized as follows:
  - (i) the proposed number of car parking spaces and development layout including alignment of the access road/emergency vehicular access (EVA), carpark entrance and E&M facilities would generate undesirable traffic and environmental impacts including air, noise and glare nuisance to residential developments in the vicinity. The applicant should conduct impact assessments and implement appropriate mitigation measures;
  - (ii) the proposed public loading/unloading area should be dedicated for public use and not be leased to the developer for building an

entrance for the proposed development as it would result in traffic congestion, safety concerns of pedestrians and property depreciation for developments nearby;

- (iii) the proposed commercial facility was small in scale and inconvenient for the public to access. It was inadequate to serve the residential developments in the area; and
- (iv) the site should be developed for provision of community facilities including playground, community hall and library to serve the public. The proposed residential development would deprive the public of such community facilities. In addition, there was a lack of public consultation regarding the rezoning of the application site from “Government, Institution or Community” (“G/IC”) to “CDA” on the draft Mid-levels East OZP No. S/H12/3 gazetted on 29.10.1999. In this regard, the Government should compensate local residents for loss of community facilities.
- (e) No local objection was received by the District Officer (Wan Chai); and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 13 of the Paper. The proposed comprehensive development complied with the planning and design principles as well as development parameters as set out in the endorsed PB. Regarding the public concern on adverse traffic impact of the proposed development, the location of the vehicular entrance and pedestrian safety, Commissioner for Transport (C for T) had no objection to the application and no adverse comments on the submitted Traffic Impact Assessment. The location of the proposed vehicular entrance was generally in line with the endorsed PB. Regarding the public concern on the alignment of the proposed access road/EVA, it would be located 6-8m below the level of the adjacent residential development (Goodview Garden) with horizontal buffer distance of not less than 10m (Appendix Ie of the Paper). C for T advised that the traffic flow generated by the proposed

development would be very low. As such, environmental nuisance from vehicular traffic would be unlikely. Regarding the public concern on exhaust emissions from the E&M equipment, Director of Environmental Protection commented that adverse impact from these emission sources was unlikely, and had no comments on the Environmental Assessment submitted which confirmed no adverse environmental impact. Regarding the public concern on the leasing of the public loading/unloading area to the developer, District Lands Officer/Hong Kong East, Lands Department had confirmed that the proposed public loading/unloading area would only be leased temporarily to the lot owner for carrying out the necessary formation works and the Government and members of the public would be allowed to use the area freely. The area would be reverted to the Government upon completion of formation works for future management and maintenance. As regards the comment on the supporting commercial facilities, the proposed commercial use was not considered unacceptable since there was no requirement on the provision of such facilities for public use under lease, and no minimum GFA requirement on the provision of such facilities in the PB. In respect of the provision of community facilities suggested in the public comments, there was no such requirement according to the OZP, the endorsed PB and under lease. When the site was rezoned from "G/IC" to "CDA" in 1999, no objection was received. The Wan Chai District Council (WCDC) was also consulted on the PB on 21.7.2009 and WCDC members had no comments on the need to provide community facilities within the "CDA".

29. In response to the Chairman's questions on the access arrangement to LPSK and the cross-hatched area along the eastern site boundary as shown in Drawing A-1 of the Paper, Ms. Kitty Lam said that LPSK could be accessed via the road in Tung Shan Terrace or the pedestrian link along the eastern boundary of the site connecting LPSK to Stubbs Road which was proposed to be upgraded and covered under the application. She added that a public loading/unloading area would be provided in the north-eastern corner of the site to facilitate pedestrian access between the LPSK and Stubbs Road. She also explained that the cross-hatched area indicated on the Drawing was to show the building setback requirement as stipulated in the lease.

Deliberation Session

30. Members noted that the various concerns of members of the public were clarified or addressed.

31. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.7.2016, 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 submission and implementation of a revised Master Layout Plan, taking into account the approval conditions (b) and (c) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan with a tree preservation proposal, and provision of quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of the public loading/unloading area and pedestrian staircase link to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the implementation of the local sewerage upgrading/connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the approved Master Layout Plan, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in

the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised Master Layout Plan for deposition in the Land Registry as soon as possible;

- (b) the approval of the application did not imply that the proposed gross floor area (GFA) concession for the proposed development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If GFA concession was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (c) to note the comments of the District Lands Officer/Hong Kong East, Lands Department in paragraphs 11.1.1(b)(i), (ii), (iii), (iv), (v), (vi), (ix) and (x) of the Paper regarding GFA exemption, transport requirements, tree felling and preservation and landscape, and geotechnical aspects under lease;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department in paragraphs 11.1.7(b) and (c) of the Paper regarding the new GFA concession policy under Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and 152, and GFA calculation under PNAP APP-2;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation in paragraph 11.1.6(b) of the Paper that the number of trees to be affected by the proposed development should be minimized;
- (f) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department in paragraph 11.1.7(d) of the Paper regarding the loading and unloading bays within the proposed development;

- (g) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department in paragraph 11.1.8(b) of the Paper in respect of upgrading the existing sewers;
- (h) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department in paragraphs 11.1.10(b) and (c) of the Paper regarding the mitigation and stabilization works on the Government land, and the proposed slope upgrading works;
- (i) to note the comments of the Director of Fire Services in paragraph 11.1.11(b) of the Paper that the arrangement of emergency vehicular access should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011; and
- (j) to note the comments of the Chief Engineer (Development) 2, Water Supplies Department in paragraphs 11.1.12(a) and (b) of the Paper that there were existing and proposed water mains in the vicinity of the application site and the “Conditions of Working in the Vicinity of Waterworks Installations” during construction should be complied with.

## **Agenda Item 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/73                      Proposed Utility Installation for Private Project (Utility Pipes with Manholes) in “Green Belt” zone, Government Land adjacent to 20 Peak Road, The Peak Area  
(MPC Paper No. A/H14/73)

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[Mr. Dominic Lam and Mr. Patrick Lau returned to the meeting at this point.]

### **Presentation and Question Sessions**

33.                      The Secretary reported that Ove Arup & Partners Hong Kong Ltd (Ove Arup)



was the consultant of the applicant. Professor S.C. Wong, Mr. Dominic Lam and Mr. Patrick Lau, who had current business dealings with Ove Arup, had declared an interest in this item. As Professor Wong, Mr. Lam and Mr. Lau had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

34. With the aid of a powerpoint, Ms. Kitty S.T. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (utility pipes, and manholes and stepped channel) to serve an adjacent proposed residential development. It involved the repairing and upgrading of existing damaged sewerage facilities and provision of a new stepped channel. The area concerned was relatively small and would not cause any adverse impact on the surrounding environment;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (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 (Wan Chai); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper.

35. Members had no question on the application.

#### Deliberation Session

36. 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 20.7.2016, 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.

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

- (a) to apply to the District Lands Officer/Hong Kong East for permission to carry out the proposed utility installation works on government land; and
- (b) to note the comments of Director of Electrical and Mechanical Services and liaise with CLP Power Hong Kong Limited and, if necessary, ask CLP Power Hong Kong Limited to divert any other underground cables and/or overhead lines away from the vicinity of the proposed structures, and observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation.

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

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting]

A/H18/70                      Proposed Minor Relaxation of Site Coverage Restriction for Proposed House Redevelopment and Proposed Ancillary Garden and Utility Installation for Related Proposed House in "Residential (Group C) 4" and "Green Belt" zones, 17 Shek O Road, Shek O  
(MPC Paper No. A/H18/70)

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38. The Secretary reported that Adrian L. Norman Ltd. was the consultant of the applicant. Mr. Dominic Lam, who had current business dealings with Adrian L. Norman Ltd, had declared an interest in this item. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Mr. Lam could stay in the meeting.

39. The Committee noted that the applicants requested on 5.7.2012 for deferment of the consideration of the application for two months to allow sufficient time to respond to various government departments' comments.

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

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting]

A/H7/160                      Proposed Minor Relaxation of Building Height Restriction for permitted Flat Use in "Residential (Group B) 2" zone, No. 7 Village Terrace, Happy Valley  
(MPC Paper No. A/H7/160)

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41. The Committee noted that the applicants' representative requested on 9.7.2012 for deferment of the consideration of the application for one month to 24.8.2012 to allow time for the applicants to address the comments from concerned government departments.

42. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration at its meeting on 24.8.2012. The Committee also agreed to advise the applicant that about one month was allowed for the preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

**Kowloon District**

**Agenda Item 12**

Section 12A Application

[Open Meeting]

Y/K18/6                      Application for Amendment to the Approved Kowloon Tong Outline Zoning Plan No. S/K18/16 from “Government, Institution or Community (3)” to “Government, Institution or Community (6)” (Eastern Portion) and “Residential (Group C) 9” (Western Portion), 45-47 Grampian Road, Kowloon City (New Kowloon Inland Lot No. 1382)  
  
(MPC Paper No. Y/K18/6D)

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43.            The Secretary reported that the site was currently accommodating the Bethel Bible Seminary (the Seminary), Bethel Kindergarten and Sear Rogers International School, with a total GFA of about 6,090m<sup>2</sup>. The Main Building in the Seminary (Sun Hok Building) was a Grade 2 historic building. The application was for rezoning the eastern portion of the site from “Government, Institution or Community (3)” (“G/IC(3)”) to “G/IC(6)” for redevelopment of the seminary (with preservation of the Sun Hok Building) and rezoning the western portion from “G/IC(3)” to “R(C)9” for a residential development. Each portion occupied half of the site. The building height restriction was proposed to be relaxed from 4 storeys to 8 storeys. Within the proposed “G/IC(6)” zone, the seminary redevelopment included the preservation of the existing 3-storey Grade 2 Sun Hok Building for seminar/meeting/counselling rooms/offices and the construction of a new 8-storey extension building above two basement floors behind Sun Hok Building to accommodate other facilities including library, classrooms, canteen, student hostels, faculty quarters (i.e. staff quarters), gymnasium and chapel.

44.            The Secretary reported that Planning Department (PlanD) was liaising with relevant bureaux to ascertain if policy support would be given to the proposed rezoning which would be important for the Committee to consider the application. Thus, PlanD recommended the Committee to defer a decision on the application for two months so as to allow time for PlanD to sort out the policy support issue.

45. After deliberation, the Committee decided to defer a decision on the application as recommended by PlanD. The Committee agreed that the application should be submitted for its consideration within two months.

### **Agenda Item 13**

#### **Section 16 Application**

[Ms. Karen F.Y. Wong, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/674 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years in “Other Specified Uses” annotated “Business” zone, Car Parking Space No. C1 on Ground Floor, Yip Win Factory Building, No. 10 Tsun Yip Lane, Kwun Tong  
(MPC Paper No. A/K14/674A)

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

46. Ms. Karen F.Y. Wong, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the concerned “Other Specified Uses” annotated “Business” (“OU(B)”) zone was subject to a maximum plot ratio (PR) of 12 and a maximum building height of 200mPD; or the PR and height of the existing building, whichever was the greater. A similar application (No. A/K14/400) to convert a light goods vehicle (LGV) parking space (22.9m<sup>2</sup>) on the G/F of another industrial building in the “OU(B)” zone to retail shop use was approved with conditions by the Committee on 10.5.2002. Another similar application (No. A/K14/421) to convert a workshop (126.9m<sup>2</sup>) on G/F of the subject industrial building to retail shop use was approved by the Committee on 15.8.2003;

- (b) the proposed use of the car parking space No. C1 on the ground floor of the subject industrial building for the proposed temporary shop and services (Estate Agent) for a period of 5 years. The proposed change of use would result in an increase in gross floor area (GFA) of the existing industrial building by about 11.98m<sup>2</sup> from 8,174.08m<sup>2</sup> to 8,186.06m<sup>2</sup>, which was equivalent to a PR of 11.02. The application premises had been used as a shop and was currently left vacant;
  
- (c) departmental comments – Chief Building Surveyor/ Kowloon, Buildings Department (CBS/K, BD) had in-principle objection under the Buildings Ordinance as the proposed application involved an additional GFA of 11.98m<sup>2</sup>, and should the area be included in GFA calculation, the total GFA of the building and the PR might exceed the permissible limit under the First Schedule of the Building (Planning) Regulations (B(P)R). Other concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
  
- (d) During the first three weeks of the statutory publication period, 20 public comments were received. 17 commenters supported the application mainly on the grounds that the proposed use was safer to pedestrian than the car parking use, could enhance the overall image of the area and provide convenient estate agent service that was lacking in the locality. Two commenters objected to the application. Among them, the one from the Chairman of Kwun Tong Central Area Committee did not state his reason of objection. The remaining one lodged by the Incorporated Owners (IO) of the subject building was mainly on fire safety and security grounds. It also relayed individual owner's concerns on the suspected occupation of the common area, the unauthorized cover built at the application premises, the uncontrolled access to the building via the application premises, and the risks of traffic accidents due to increased pedestrian circulation. One commenter requested the applicant to ensure that the proposed conversion of the car parking space to shop use would not be in breach of the Deed of Mutual Covenant of the application premises. No local objection was received by the District Officer (Kwun Tong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12 of the Paper. CBS/K, BD's in-principle objection to the application on the grounds that the proposed use would result in an exceedance of the total permissible GFA for the building under the B(P)R was noted. The total PR of 11.02 resulted from the proposed use however did not exceed the PR restrictions of 12 under the Outline Zoning Plan (OZP). The applicant should approach BD to clarify if the proposed increase in GFA would exceed the permissible limit under the B(P)R. Regarding the public comments, the Applicant clarified that the previous food stall at the application premises occupied an area larger than the actual car parking space while the size of the application premises was confined to the car parking space (about 11.98m<sup>2</sup>) only, and the suspected unauthorized cover was in existence before the applicant purchased the premises. It was intended to have only one entrance fronting Tsun Yip Lane without any exit/entry to the carpark through the premises. The subject site was located at the dead-end of Tsun Yip Lane without any through traffic and the Commissioner for Transport had no adverse comments on the proposed use. Should the application be approved, a condition would be imposed to require submission and implementation of fire safety measures to the satisfaction of Director of Fire Services.

47. A Member noted that BD had raised in-principle objection to the application due to exceedance of the permissible PR for the building under B(P)R and LandsD had commented that lease modification for the proposed change of use was not guaranteed. The Member asked why PlanD had recommended approval of the application. Ms. Karen Wong replied that the resultant PR did not exceed the PR restriction of 12 under the OZP and hence the application would not be rejected on that ground. She said that according to BD, while the resultant GFA/PR of the proposal had exceeded the permissible level under B(P)R, BD did not preclude that the applicant could modify the proposal by reducing the GFA of certain facilities (e.g. E&M facilities) in the building to achieve compliance with the B(P)R. Regarding the comments of LandsD, she said that it was not uncommon for LandsD to advise the applicant that lease modification was not guaranteed. After the proposed development was approved by the Board, the applicant would need to follow up with BD and LandsD to

comply with the requirements in land administration and building aspects. She added that BD's objection had indeed been relayed to the applicant, and the applicant had decided to continue the application despite BD's objection. The Chairman said that approval granted to a planning application for a proposed development did not imply that approval/permit from other concerned departments would be granted. The applicant of the application would still have to comply with the requirements of BD and LandsD.

48. In response to a Member's question, Ms. Karen Wong stated that the proposed change of use resulting in an increase of total PR from 11 to 11.02 would contravene the PR restrictions under the B(P)R, but not the PR restriction of 12 under the OZP. The same Member commented that given the uncertainty for the applicant to make the necessary arrangement to comply with the GFA requirements of B(P)R, even if a planning permission was granted to the proposed use, it could not commence legally in meeting the requirements of BD. Ms. Karen Wong replied that BD did not preclude the possibility to comply with B(P)R that the GFA distribution of the subject building could be adjusted by rearrangement of existing facilities.

49. In response to the Chairman's question, Ms. Karen Wong said that since the existing height of the subject building was at about 50mPD, the maximum permissible PR of the subject building was 11 in accordance with B(P)R.

50. In response to a Member's question on whether the applicant was the major owner of the subject building who would then be able to adjust the GFA distribution within the building, Ms. Karen Wong replied that the applicant was the owner of the application premises and there was no information showing whether the applicant was the major owner. Another Member commented that the applicant was unlikely to be the major owner noting that the IO of the subject building had raised objection to the application.

51. A Member commented that as a matter of principle, PR restrictions under the Town Planning Ordinance and Buildings Ordinance should be complied with before the commencement of a development. The Member said that the proposed change of use would contravene the PR restriction under B(P)R, and there was no information showing that such problem could be resolved.



Deliberation Session

52. The Chairman noted that Members were mainly concerned about whether the proposed change of use could be implemented, as there was uncertainty in meeting the requirements of BD and LandsD at this stage. He said that a planning application was assessed based on planning considerations, and under current practice other government requirements could be complied with subsequent to the granting of planning permission. In response to the Chairman's query on the aforesaid similar application for changing LGV parking spaces to shop and services use, Ms. Karen Wong said that she had no information on whether the proposed PR of that case had exceeded the restriction under B(P)R.

53. A Member noted that from PlanD's presentation, the application premises had previously been used as a shop for a long time, meaning that the total PR of the subject building had all along exceeded the restriction under B(P)R and the problem had not been rectified for a long time. The Member said that the applicant, as the owner of the car parking space only, might not be able to adjust the GFA of the subject building to achieve compliance with B(P)R. While agreeing that the proposed use was acceptable in terms of land use compatibility and other planning considerations, the Member said that it might not be appropriate to approve the application and it might become an undesirable precedent for future similar applications.

54. A Member commented that if the Committee approved the application despite BD's in-principle objection and at the same time knowing that there was an uncertainty in meeting BD's requirement, this would give an impression to the public that there was a lack of coordination among departments. Some Members agreed. The same Member commented that the development proposal would contravene B(P)R although the exceedance of PR was minor, and BD would most likely disapprove the development, unless the total GFA of the subject building could be reduced to comply with the B(P)R. Noting the difficulty of the applicant to adjust the GFA distribution of the subject building, the Member asked if it was possible to require the applicant to obtain BD's in-principle agreement first and then resubmit the application to the Committee for consideration.

55. The Chairman said that it might not be appropriate to require the applicant to obtain prior approval from other government departments before submitting planning

application to the Board. Ms. Karen Wong said that the possibility for the applicant to negotiate with the major owner to adjust the GFA distribution of the subject building in order to comply with B(P)R should not be ruled out.

56. In response to a Member's question on whether the in-principle objection of BD was on grounds of fundamental problem, and whether reasonable remedial measures could be identified, Ms. Karen Wong said that BD's objection related to non-compliance with statutory requirements of B(P)R. The maximum permissible PR of the subject building under B(P)R was restricted to a relatively low level mainly due to the existing relatively low building height.

57. In response to Members' question on the provision of the OZP related to compliance with other statutory or government requirements, the Secretary said that as stated in paragraph (2) of the covering Notes of the Draft Kwun Tong (South) OZP, "any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable."

58. The Chairman said that Members might either reject the application or approve the application subject to an approval condition requiring the applicant to fulfill BD's requirements. He commented that rejecting the application solely on the grounds of BD's in-principle objection was not appropriate and there were no strong reasons for rejection from the planning point of view. A Member also shared the same concern.

59. A Member was of the view that it was more appropriate to stipulate BD's requirement as an approval condition instead of an advisory clause, to ensure compliance of the proposal with B(P)R. Another Member agreed. Nevertheless, another Member considered that the advisory clauses in paragraphs 13.2(c) and (d) of the Paper were already adequate since the application was considered acceptable in planning terms, and fulfillment of requirements from other departments should be left to the applicant.

60. The Chairman concluded that Members generally agreed to approve the application and to stipulate an approval condition to require the applicant to fulfill BD's requirement and comply with B(P)R so as to address the in-principle objection from BD.

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 20.7.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the reprovisioning of one private car parking space within the subject lot or such other mitigation measures, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the total gross floor area of the subject industrial building with the inclusion of the GFA of the proposed use to the satisfaction of the Director of Buildings or of the TPB;
- (c) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises, before operation of the proposed use to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) if the above planning conditions were 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.

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

- (a) to note the comments from the District Lands Officer/Kowloon East on the need for lease modification or waiver for the shop and services (estate agent) use at the application premises, and approval of such application could not be guaranteed;
- (b) to note the comments of the Director of Building in paragraph 10.1.3 of the Paper, and to note that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach Buildings Department direct to obtain the necessary approval; and

- (c) to note the comments of the Director of Fire Service on the need to comply with the requirements as stipulated in Code of Practice for Fire Resisting Construction which was administrated by BD.

[The Chairman thanked Ms. Karen F.Y. Wong, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

#### **Agenda Item 14**

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

[Open Meeting]

A/K14/675                      Proposed Hotel in "Other Specified Uses" annotated "Business" zone, 53 Hung To Road (formerly known as 53A Hung To Road), Kwun Tong  
(MPC Paper No. A/K14/675)

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63.            The Secretary reported that Kenneth To & Associates Ltd. (KTAL) and LLA Consultancy Ltd. were the consultants of this application. Mr. Dominic Lam and Mr. Patrick Lau, who had current business dealings with KTAL and LLA Consultancy Ltd, had declared an interest in this item. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Mr. Lam and Mr. Lau could stay in the meeting.

64.            The Committee noted that the applicant requested on 29.6.2012 for deferment of the consideration of the application for two months in order to allow time to address the concerns of Transport Department.

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

**Agenda Item 15**

**Section 16 Application**

[Ms. S.H. Lam, STP/K, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/293                Proposed Temporary Shop and Services for a Period of 3 Years in  
                                  "Residential (Group C) 6" zone, Garage (Part), Ground Floor, 181  
                                  Boundary Street, Kowloon  
                                  (MPC Paper No. A/K18/293A)

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**Presentation and Question Sessions**

66.            The Secretary reported that Lawson David & Sung Surveyors Ltd was the consultant of this application. Miss Bonnie Chan, who had current business dealings with Lawson David & Sung Surveyors Ltd, had declared an interest in this item. As Miss Chan had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

67.            With the aid of a powerpoint, 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)    to convert the whole garage of 181 Boundary Street which consisted of 4 car parking spaces, for the proposed temporary shop and services use for 3 years;
- (c)    departmental comments – Commissioner for Transport (C for T) did not support the application from traffic engineering point of view. The application would require deletion of residential parking spaces and result in contravention of the lease conditions on parking (i.e. 1 car parking space for 1 flat), even though the remaining number of parking spaces after the subject conversion of floor use would comply with the current requirements under Hong Kong Planning Standards and Guidelines (HKPSG).

Although the applicant had stated that the whole garage was not used for car parking purpose, the remaining G/F area was still designated as garage on the approved building plan and could be used for car parking purposes any time. The applicant had not yet demonstrated whether the subject conversion of floor use would result in difficulty of traffic circulation of vehicles to/from the car park; and/or would result in undue conflict between the loading/unloading activities of the proposed shop/services and the traffic circulation of vehicles to/from the car park. Other concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;

- (d) During the first three weeks of the statutory publication period, 14 public comments were received including comments from two Kowloon City District Council (KCDC) members, the owners' committee of the adjacent Wah Hing Building, and residents of the subject building and the nearby buildings in the area. All public comments objected to the application except one making suggestion. The main grounds of objection were that the proposed conversion of the car parking spaces into commercial use would affect the residential nature of the area, bring about increase in noise and traffic, and affect the hygiene, public safety, living environment, and hence life quality of residents in the vicinity. The proposal was also unfair to other car parking space owners and shop owners in the vicinity. Some commenters were of the view that the area lacked car parks and the proposal would affect the parking provision of the area. The comment was submitted by a KCDC member who suggested that loading/unloading activities of the proposed shop and services use should be within the subject lot to minimize the impact on the traffic on Boundary Street. No local objection was received by the District Officer (Kowloon City); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper which were summarized below:

- (i) The subject “Residential (Group C) 6” (“R(C)6”) zone located to the north of Boundary Street in the Kowloon Tong Outline Zoning Plan remained a predominantly residential area (Plan A-1 of the Paper). The Town Planning Board (TPB) had not granted any permission for shop and services use within “R(C)6” zone in the Kowloon Tong area. The proposed shop and services use was considered incompatible with the use of the existing building which was designed for pure residential use and also incompatible with the general residential character of the area. Moreover, users of the proposed shop and services would share the common vehicular and pedestrian access of the residents. Objections to the application were raised by residents of the subject building and nearby buildings in view of the possible nuisance and adverse impact on the living environment.
- (ii) The proposed conversion of the car parking spaces for shop and services use would result in a loss of 4 car parking spaces for the subject residential development. C for T did not support the application from traffic point of view. C for T considered that the requirement of 1 car parking space for 1 flat, as stipulated in the lease conditions, should be adhered to, i.e. a total of 20 car parking spaces should be maintained. Although the applicant had stated that the whole garage was currently not being used for car parking purpose, the remaining G/F area at 181A, 181B and 181C Boundary Street was still allowed for car park use under the approved building plan and could be used for car parking purposes at any time. The applicant had not demonstrated whether the proposed conversion of car parking spaces for shop and services would result in difficulty of traffic circulation of vehicles to/from the car park within the existing development; and/or would result in undue conflict between the loading/unloading activities of the proposed shop/services and the traffic circulation of vehicles to/from the car park within the existing development.

- (iii) The site was located in a pure residential area and no similar uses of this kind had been approved in the “R(C)” zone. Approval of the application would set an undesirable precedent for other similar applications for non-residential uses in the area leading to reduction of car parking spaces, intrusion of commercial uses into the pure residential neighbourhood, and degradation of the living environment of the residential neighbourhood.
- (iv) There were public comments that the proposed conversion would affect the traffic and car parking provision in the area. Most public comments objected to the application in view of the possible nuisance and adverse impact on traffic and living environment. Objection was also raised by an owner of the subject building regarding deletion of residential car parking spaces.

68. Members had no question on the application.

#### Deliberation Session

69. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed shop and services use was considered not compatible with the general residential character of the area;
- (b) the loss of existing car parking spaces in the subject residential building was considered not acceptable;
- (c) the applicant had not demonstrated that the conversion of the car parking spaces would not result in difficulty of traffic circulation of vehicles to and from the car park within the existing development, and would not result in undue conflict between the loading/unloading activities of the proposed shop/services and the traffic circulation of vehicles to and from the car park within the existing development; and



- (d) the approval of the application would set an undesirable precedent for other similar applications for non-residential uses in the area leading to reduction of car parking space, intrusion of commercial uses into the residential area and degradation of the residential neighbourhood.

[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 16**

#### **Section 16 Application**

[Open Meeting]

A/K9/248                      Proposed Hotel in "Residential (Group A) 4" zone, 8 Ma Tau Wai Road  
and 7 Station Lane, Hung Hom  
(MPC Paper No. A/K9/248)

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70.            The Committee noted that the applicant requested on 28.6.2012 for deferment of the consideration of the application for two months in order to allow time for the applicant to conduct a Traffic Impact Assessment to address the comments from Transport Department.

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

**Agenda Item 17**

**Any Other Business**

72.           There being no other business, the meeting closed at 11:00 a.m.