

TOWN PLANNING BOARD

Minutes of 471st Meeting of the Metro Planning Committee held at 9:00 a.m. on 10.8.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Mr. Sunny L.K. Ho

Professor Eddie C.M. Hui

Mr. Patrick H.T. Lau

Mr. Roger K.H. Luk

Mr. Stephen H.B. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Albert Lee

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
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Ms. Bonnie J.Y. Chan

Mr. H.W. Cheung

Mr. Dominic K.K. Lam

Ms. Julia M.K. Lau

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

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
Miss H.Y. Chu

Town Planner/Town Planning Board
Mr. Wallace W.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 470th MPC Meeting held on 20.7.2012

[Open Meeting]

1. The draft minutes of the 470th MPC meeting held on 20.7.2012 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 16 Application

[Open Meeting]

A/K5/721 Proposed Hotel in “Residential (Group A) 7” zone, G/F (Shop 1), 1/F and 2/F, Court Regence, 183 Pei Ho Street, Kowloon
(MPC Paper No. A/K5/721)

3. The Secretary reported that the applicant’s representative requested on 23.7.2012 for a deferment of the consideration of the application for two months to allow time for modification of the proposed layout and to address the concerns of the general public.

4. 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 preparation of the submission of the further information, and no further deferment would

be granted unless under very special circumstances.

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/722 Proposed Religious Institution (Christian Church) in “Residential (Group A) 6” zone, Unit B, 2/F, Hing Yip Building, 66-70 Yu Chau Street, Kowloon
(MPC Paper No. A/K5/722)

Presentation and Question Sessions

5. Mr. Philip Y.L. Chum, STP/TWK, said that a replacement page of Appendix I for the Paper detailing the justifications submitted by the applicant was tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (Christian church);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) two public comments were received from the Incorporated Owners of Hing Yip Building and an individual during the first three weeks of the statutory publication period. The commenters raised objection to/expressed concern on the application for the reasons that it would result in possible trespassing of strangers to the subject building, overload the only passenger

lift, and cause fire safety risk; and

[Mr. Patrick H.T. Lau arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 10 of the Paper which were summarised below :
 - (i) the proposed church was considered not incompatible with the non-domestic use of the subject composite building. However, the proposed church, with a capacity of 100 persons, did not have an independent access separated from the residential portion above. It would share two staircases and a lift with the residential portion. The applicant had not provided any information on measures to safeguard the residents at upper floors from being affected by the shared use of the staircases and lift of the subject building;
 - (ii) there were five similar planning applications approved by the Committee since 1990 for religious institutions within the “Residential (Group A)” zone on the Cheung Sha Wan OZP. Four applications were approved mainly because they would not cause nuisance to the residential use as the religious institution was either located in a commercial block/office building (Nos. A/K5/539 and 606) or a free-standing building (No. A/K5/141), or provided with independent access separated from the residential portion of the composite building (No. A/K5/688). The other application (No. A/K5/665) was approved mainly because the subject religious institution had existed at the application premises for more than 30 years and no public objection was received. Approval of the current application would, however, set an undesirable precedent for other similar applications; and
 - (iii) there were two public comments received during the statutory publication period raising objection to/concerns on the application

due to fire safety, nuisance and inconvenience caused by the shared use of the staircase and lift, and possible trespassing of strangers into the subject building.

6. The Chairman enquired whether tutorial classes would be provided at the application premises. In response, Mr. Philip Y.L. Chum stated that as advised by the applicant, the Mongkok Christian Church (MCC) established a neighbourhood education centre at Mong Kok Road seven years ago. In this centre, English and tutorial classes were organized for the children from the families of single-parent and new arrivals from the Mainland, and regular tea parties were held for the purpose of parenting support to these families. MCC had been searching for new permanent premises in the past few months and had identified the subject premises as a suitable venue for church use. Similar community services might be provided at the application premises should the application be approved by the Committee. Nevertheless, Mr. Chum said that no information about the specific uses of the proposed church had been included in the submission.

7. A Member said that as the proposed church, with a capacity of 100 persons, would have to share the staircases and a lift with all the residents and users of the building, this Member enquired whether such arrangement would satisfy the fire safety requirements and means of escape under the Buildings Ordinance.

8. In response, Mr. Philip Y.L. Chum said that the views of the Director of Fire Services (D of FS) and Director of Buildings (D of B) had been sought on the application. D of FS had no objection to the application subject to the provision of fire service installations and advised that detailed fire service requirements would be formulated upon receipt of the formal submission of general building plans. D of B also had no objection to the application and advised that the applicant was required to engage an authorized person/registered site engineer in pursuance to the Buildings Ordinance to prepare and submit the required building plans for the proposed change in use to demonstrate the compliance with the Buildings Ordinance, among others, the provision of means of escape.

Deliberation Session

9. A Member opined that the application should not be approved as the proposed

religious institution was not served with an independent access separated from the domestic portion of the composite building. Besides, the applicant had not provided any information on measures to safeguard that the operation of the proposed church would not cause nuisance and inconvenience to the residents of the subject building.

10. Mr. Philip Y.L. Chum, upon the enquiry of the Chairman, said that the staircase shown on Plan A-4 of the Paper was leading to 2/F and the even digit floors of the subject building. There was another staircase serving the users of the odd digit floors. For fire escape purpose, a backdoor was also provided on each floor of the building to connect to the ground floor but it was seldom used by the users.

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

- (a) the proposed religious institution was not served with an independent access separated from the domestic portion on the upper floors of the subject composite building. No information had been provided in the application on measures to safeguard that the operation of the proposed religious institution would not 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 religious institution application which would lead to intrusion of religious institution use into composite buildings with shared use of the existing access with the residential use on other floors.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/723 Proposed Shop and Services in “Other Specified Uses” annotated
“Business 3” zone, Workshop 1, G/F, CRE Centre, No. 889 Cheung Sha
Wan Road, Kowloon
(MPC Paper No.A/K5/723)

12. The Secretary reported that Mr. Patrick H.T. Lau and Mr. Dominic K.K. Lam had declared interests in this item as they had current business dealings with Kenneth To and Associates Ltd., which was the consultant for the applicant. The Committee noted that Mr. Lam had tendered an apology for being unable to attend the meeting. As Mr. Lau had no direct involvement in the subject application, the Committee agreed that he was allowed to stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;
- (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) one public comment was received during the first three weeks of the statutory publication period. The public comment suggested that the premises could be used for floral design training and workshop to promote floral art in Hong Kong; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for the reasons as detailed in paragraph 11 of the Paper. The public comment received during the statutory public inspection period expressed no objection to the application.

14. A Member referred to Plan A-2a and noted that there was a wine shop on the ground floor of the subject building which was without planning permission. This Member asked whether its floor area should be taken into account against the maximum permissible limit of 460m² for aggregate commercial floor area on ground floor of existing industrial building. In response, Mr. Philip Y.L. Chum said that this wine shop was small in size. Even if its floor area was taken into account, the aggregate commercial floor area on the G/F of the subject building would not exceed 460m².

Deliberation Session

15. 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 10.8.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of a temporary waiver or lease modification;

- (b) to note the comments of the 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) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- (c) to note the comments of the Director of Food and Environmental Hygiene for obtaining 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.]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/KC/389 Proposed Offensive Trades (Leather Production) in “Industrial” zone,
Workshops A and B, 20/F, Wing Loi Industrial Building, Nos. 8-14
Wing Lap Street, Kwai Chung, New Territories
(MPC Paper No.A/KC/389B)

17. The Secretary reported that the applicant requested on 19.7.2012 for a deferment of the consideration of the application for two months in order to allow more time to prepare technical information on odour and sewage treatment during the leather production process to support the application.

18. 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 a further period of two months, resulting in a total period of six months, were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/431 Proposed Office, Shop and Services in “Industrial” zone, 150-164
Texaco Road, Tsuen Wan, N.T. (The Remaining Portion of Lot No. 285
in D.D. 446)
(MPC Paper No.A/TW/431A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed wholesale conversion of an existing 26-storey industrial building for office with shop and services uses;
- (c) departmental comments – 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, 72 public comments against the application were received. Among these public comments, two were from the tenants of the subject, 68 were from the workers working in the subject building, one was from a trading company and the remaining one was from an individual. The public comments received were summarised in paragraph 11 of the Paper and highlighted below :
 - (i) there was inadequate godown provision for logistics industry and the proposed development would bring harm to the logistics industry;
 - (ii) the proposed conversion of the building for office and shop and services uses would cause substantial nuisance and environmental impacts when the construction works were in progress. Besides, the provision of more than 160 private car parking spaces in the proposed development would increase the traffic generation and cause adverse traffic impacts on the surrounding area;
 - (iii) if the development proposal was approved, the tenants would need

to close down their business and all of their employees would lose their jobs and their families would be affected;

- (iv) the revitalization of industrial buildings was a good concept but it should only be confined to those vacant or under-utilized industrial buildings instead of those with insufficient space for use; and
 - (v) the subject industrial building was located at the centre of the Tsuen Wan industrial area and was not suitable for shops or non-industrial use; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12 of the Paper. With regard to the public comments raising objection to the application due to the loss of jobs of the existing employees on the site, it should be noted that the proposed office cum shop and services development would equally generate employment opportunities, though of different types. As for the local concern on the adverse impact of the proposed development on the supply for warehouse floor space in the area, adverse environmental impacts and the proposed development was not compatible with the surrounding area, the Director-General of Trade and Industry (DG of TI), Commissioner for Transport and Director of Environmental Protection had no objection/adverse comments on the application. Under the wholesale conversion mechanism, the “Industrial” (“I”) zoning of the site would be retained and there was no change to the user restriction of the lease for industrial and/or godown purposes. Besides, the approval of the application would only be for the lifetime of the building.

20. Members had no question on the application.

Deliberation Session

21. The Chairman said that the existing industrial building on the application site was a purposely built godown building and used for logistics purposes. It was well maintained

and almost fully occupied. In view of its proximity to the Kwai Chung Container Terminals, the building was considered suitable to be used for logistics purposes as it would reduce the transportation of goods on the road, and hence more sustainable to the environment. It was also noted that DG of TI had advised that it was necessary to ensure the demand for industrial floor space in Tsuen Wan East Industrial Area (TWEIA) could be satisfied, while the Secretary for Transport and Housing (STH) had advised that the logistics industries had been pressing for provision of logistics sites for construction of modern logistics facilities and the current level of industrial and warehouse space should be maintained. Besides, according to the “Area Assessments 2009 of Industrial Land in the Territory” undertaken by PlanD, the subject site was not proposed for rezoning from “I” to other uses. In view of the above, the Chairman considered that the application was a marginal case.

22. A Member said that both logistics industry and office sector required land for development. In recent years, there was a lack of office land supply and the rental level of office development had raised significantly. The conversion of the subject godown building into an office development could increase the supply of office GFA and hence reducing the rental level of office GFA. With the availability of efficient road network, it was not necessary to have the logistics industries located close to the Kwai Chung Container Terminals. Besides, as there had been a considerable increase in the rental level of industrial land in Kwai Chung, some logistics operators had already relocated their businesses from Kwai Chung to areas in the New Territories, such as Tuen Mun where the rental level of industrial land was lower. These areas would also be closer to their clients’ manufacturing bases in the Mainland. Nevertheless, this Member opined that Kwai Chung/Tsuen Wan was still a suitable location for logistics industry as it was close to the container terminals but this factor had become less important in recent years.

23. The Chairman said that the intention of the Government’s policy on revitalizing industrial buildings was to set out measures to facilitate redevelopment or wholesale conversion of the vacant and/or under-utilized industrial buildings into alternative uses. For the subject godown building, however, it was almost fully occupied with vibrant logistics uses. Noting that the applicant had mentioned in the submission that he had agreed to relatively depressed rents in order to avoid vacancies in the subject building, the Chairman asked about the current rental level of the subject godown building. In response, Mr. K.T. Ng said that he had no information in hand about the rental level of the subject building

charged by the applicant.

24. In response to the Chairman's enquiry, Mr. K.T. Ng said that with regard to the concern of STH and DG of TI on the impact on industrial land (including that for logistics industry) provision, in order not to jeopardize the potential long-term planning intention of the industrial use for the site, should the Committee decide to approve the application, it was recommended that the applicant should be advised that the approval would be for the lifetime of the building. Upon redevelopment, the site would need to conform to the zoning and development restrictions on the OZP in force at the time of redevelopment. An advisory clause would also be imposed in this regard.

25. The Chairman stated that the subject godown building, upon wholesale conversion, would become a pure office building. Given that the subject building was a well-maintained one, he considered that the proposed development would result in the loss of warehouse floor space for a long time and hence would have an impact on the provision of godown premises in Hong Kong. As the subject building was in the proximity of the container terminals and TWEIA was still a vibrant industrial area, he had reservation on approving the subject application.

26. A Member said that TWEIA was still a vibrant industrial area and the subject building was almost fully occupied, indicating that there was a high demand for warehouse floor space. STH also commented that in recent years, the logistics industry had been pressing for provision of logistics sites for the development of modern logistics facilities, which were essential for the industry's switch to provide high value added services and process high value goods. In view of the above, this Member did not support the approval of the application.

27. In response to a Member's question, Mr. K.T. Ng stated that in order to be eligible for the Government's policy on revitalizing industrial buildings, the industrial building should have a building age of 15 years or above and situated in "I", "Commercial" or "Other Specified Uses" annotated "Business" zones on the OZP. As the subject building was completed in 1991 and was zoned "I" on the OZP, the proposed development was considered in line with the revitalization policy.

28. A Member said that the policy on revitalizing industrial buildings was intended to optimize those vacant and under-utilized industrial buildings. The subject godown building had not met the Government's requirements as it was almost fully occupied and was playing an important role to Hong Kong's logistics industry. Besides, the site was close to the Kwai Chung Container Terminals. Retaining the subject building for logistics uses could help minimize the trip generation of lorries to/from the container terminals and hence was conducive to the protection of environment in Hong Kong.

29. The Secretary noted that there were two similar applications (No. A/TW/410 and 415) rejected by the Committee in 2011 for wholesale conversion of an industrial building to non-domestic uses in the "I" zone of Tsuen Wan OZP and asked whether their nature was similar to the subject godown building under application. In response, Mr. K.T. Ng said that the two rejected cases were related to two industrial buildings, but not godowns, located at Fui Yiu Kok Street in TWEIA and Tai Chung Road in Chai Wan Kok Industrial Area. Both cases were rejected by the Committee mainly because of unacceptable car parking proposals and/or traffic impact assessment, and that the approval of the cases would set an undesirable precedent for similar applications.

30. The Chairman concluded that Members in general considered that the godown building on the application site should be retained for warehouse/logistics operation and the application should be rejected. To reflect Members' concern on the possible loss of warehouse floor space to support the logistics industry in Hong Kong, this should be added as a reason in rejecting the subject application. Members agreed.

31. After further deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 13.3 of the Paper and agreed that the reason should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were :

- (a) the subject building, a purposely built and almost fully occupied godown in the proximity of the container terminals in Kwai Chung, was considered well positioned to provide warehouse floor space to support the logistics industry in Hong Kong; and

- (b) Approval of the application would set an undesirable precedent for other similar applications.

[Professor P.P. Ho left the meeting temporarily at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/435A)

32. The Secretary reported that the Discovery Park shopping centre where the application premises was located was owned by New World Development Co. Ltd. (NWDCL) and Kenneth To and Associates Ltd. (KTAL) was the consultant of the applicant. Mr. Dominic K.K. Lam, having current business dealings with NWDCL and KTAL, had declared an interest in this item. Mr. Patrick H.T. Lau, having current business dealings with KTAL, had also declared an interest in this item. As Mr. Lau had no direct involvement in the subject application, the Committee agreed that he was allowed to stay in the meeting. The Committee noted that Mr. Lam had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site of Discovery Park was previously zoned “Comprehensive Development Area” on the Tsuen Wan OZP. Discovery Park was a comprehensive commercial/residential

development completed in 1997-98 comprising 3,360 flats on top of a purposely designed non-domestic podium. According to the Master Layout Plan (MLP) for the development under Application No. A/TW/167 approved by the Committee on 19.2.1993, a total of 672 car parking spaces for domestic and 328 car parking spaces for non-domestic use should be provided. The site was subsequently rezoned to “Residential (Group A) 6” (“R(A)6”) in 2001. The application premises was the subject of three previous planning applications (No. A/TW/346, 388 and 407) approved/approved for the renewal of the approved scheme by the Committee in 2004, 2006 and 2009 for the same use under application;

- (b) the renewal of planning approval for temporary shop and services (motor-vehicle showroom) use and temporary minor relaxation of non-domestic gross floor area (GFA) restriction for a period of three years;
- (c) departmental comments – the Commissioner for Transport (C for T) did not support the application from the traffic engineering point of view :
 - (i) the Discovery Park had 1,000 parking spaces, of which 672 spaces were designated for residential purpose and the remaining 328 spaces for commercial purpose. With the conversion of the 156 commercial parking spaces at Level 7 to motor-vehicle showroom, the remaining 172 parking spaces could not be able to meet the existing commercial parking demand. Besides, it was noted that the applicant had made use of a large number of residential parking spaces for commercial purposes;
 - (ii) as indicated in Table 3.5 of the further information submitted by the applicant dated 16.7.2012, the applicant had used the mid-range requirements under the Hong Kong Planning Standards and Guidelines (HKPSG) and derived that the general parking requirement for this development was 770 parking spaces, comprising 575 spaces for residential, 36 spaces for visitors and 159 for commercial parking purposes. However, specific for the Discovery

Park development and in accordance with the HKPSG, it was considered that a Global Parking Standard of one car parking space per eight flats was more appropriate for the residential parking requirements, taking into account the development density and traffic conditions in the vicinity, its proximity to and convenience of access to major transport corridors or pedestrian links, the availability of public car parking spaces in the vicinity and the level of illegal parking in the vicinity. For commercial parking requirement, the HKPSG allowed a range of one parking space for every 200m² to 300m² GFA. As the demand for parking spaces in similar shopping arcades in Tsuen Wan were high, the site was located at the periphery of the town and over 500m from the MTR station and there were no public car parking spaces in the vicinity, the higher-end requirement of one parking space for every 200m² commercial GFA should be adopted. These had the effect of bringing the required number of car parking spaces to 920, comprising 645 residential parking spaces, 36 visitor parking spaces and 239 commercial parking spaces. It was therefore considered that the applicant had underestimated the parking space requirement under the HKPSG; and

(iii) moreover, according to the Parking Demand Study submitted by the applicant, the actual commercial parking space utilization could be as high as 421 spaces (or 452 spaces if the day parkings were classified as commercial parking), way above the 172 parking spaces currently available;

(d) other concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;

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

(e) nine public comments were received during the first three weeks of the statutory publication period. One comment from the operator of the subject motor-vehicle showroom, enclosing signatures and letter from the

tenants, gave support to the application. Another comment from a Tsuen Wan District Council (TWDC) member indicated no comment on the application. The other seven public comments from the Chairperson of the Owners' Committee of Discovery Park (OCDP) (enclosing 459 signatures of residents), another TWDC member, a resident of Discovery Park and individuals raised objection to the application mainly on the grounds that the applied use was not in line with the planning intention of the "R(A)6" zone; there was demand for car park from the residents but the fee was unreasonably high; the motor-vehicle showroom would bring adverse traffic impact on the surrounding area, might result in security and fire safety problems to the residents; and the residential owners were forced to subsidize the operation of the motor-vehicle showroom. The District Officer (Tsuen Wan) advised that while the Management Office of Discovery Park shopping centre supported the application, the concerned TWDC member and the Chairperson of OCDP raised concern on/objection to the application based on similar grounds; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper which were summarised below:
 - (i) although the temporary use under application would not result in any actual increase in development bulk or intensity and was not incompatible with the retail podium uses of the comprehensive commercial/residential development, C for T did not support the application as the applicant had made use of a large number of residential parking spaces to serve the commercial portion of the development. Taking into account the high demand for parking spaces in similar shopping arcades in Tsuen Wan, peripheral location of the site, distance from the MTR station and availability of public car parking spaces in the vicinity, the required number of commercial car parking spaces under the latest HKPSG requirement should be 239. With the conversion of 156 commercial parking spaces, out of the total 328 commercial parking spaces, for

motor-vehicle showroom use, there would be a remaining of 172 commercial parking spaces. As compared to the requirement of 239 commercial parking spaces as required under the HKPSG, there would be a deficit of 67 commercial parking spaces and hence could not meet the prevailing requirement under the HKPSG;

- (ii) moreover, C for T further pointed out that according to the Parking Demand Study submitted by the applicant, the actual commercial parking space utilization could be as high as 421 spaces (or 452 spaces if the day parking were classified as commercial parking), which was way above the 172 car parking spaces currently available. Although it was stated in the submission that the Management Office of Discovery Park had reserved 672 car parking spaces for residents and did not set a quota or a ceiling of monthly parking permits to be issued to residents, and that the actual parking permits issued to the residential ranged from 271 to 314 in the past 12 months, it was apparent that a number of residential car parking spaces, among the 672 residential parking spaces as stated in the MLP governed by the lease and required under the existing temporary waiver for the motor-vehicle showroom use at the premises, had been utilized to meet the actual commercial parking space utilization of 421 spaces at peak hours;
- (iii) the renewal application was not in line with the TPB Guidelines No. 34B in that there would be adverse planning implication arising from the renewal of the planning approval since the conversion of commercial parking spaces for showroom use would affect the commercial car parking provision under the HKPSG to serve the commercial portion of the development on the site; and
- (iv) the public concerns on jeopardizing the benefits and resources of residents, security and management issues, deviation from the planning intention and temporary approval, traffic and fire risks aspects were noted.

34. A Member asked about the utilization rate of the existing residential car parking spaces. Mr. K.T. Ng said that according to a site inspection undertaken by PlanD on 1.8.2012, the car parking spaces on Level 3 were let to the residents on a monthly basis while that on Levels 4 and 5 were let out on an hourly basis. Based on the information provided by the applicant, about 271 to 316 monthly parking permits were issued for the past 12 months for users in the car park of Discovery Park.

35. In response to a Member's question, Mr. K.T. Ng stated that Level 3 of the car park had been allocated for the sole use of the residents and the Management Company of Discovery Park would issue monthly parking permits to those users of the residential car parking spaces.

36. In response to a further question from the same Member, Mr. K.T. Ng said that the shoppers of Discovery Park would use the car parking spaces on Levels 4 and 5 but they had to drive through Level 3 before reaching the parking spaces on these two levels. Mr. Ng further confirmed that both the residents and shoppers patronizing the car park of the Discovery Park had to use the same entrance/exit at Mei Wan Street.

Deliberation Session

37. The Chairman asked about the parking fee charged at the Discovery Park as OCDP commented that the low utilization of the residential car parking spaces was mainly due to the charge of unreasonably high parking fee. Mr. K.T. Ng, by referring to the information submitted by OCDP in Appendix III-2 of the Paper, said that the monthly rent of fixed and non-fixed parking spaces charged by Discovery Park was \$3,300 and \$2,800 respectively. Such rental level was relatively high when compared to that of the nearby residential developments, which was about \$2,200 to \$2,500 for fixed monthly parking space and about \$1,300 to \$2,400 for non-fixed monthly parking space.

38. A Member said that in accordance with the approved MLP for the subject development, there was a breakdown of 672 car parking spaces for domestic and 328 for non-domestic purpose among the 1,000 car parking spaces provided. It was uncommon for the Management Company of Discovery Park to let those non-fixed parking spaces to the

residents. Such practices would only occur in office developments where the parking spaces for the office workers and visitors would be mixed together so as to fully utilize the car parking spaces available.

39. The same Member further said that as indicated in the Parking Demand Study submitted by the applicant, the actual commercial parking space utilization at Discovery Park could in fact be as high as 421 spaces at peak hours. C for T, in this regard, pointed out that a number of residential car parking spaces had been utilized by the applicant to meet the actual commercial parking space requirement. This Member was also of the view that the unreasonably high parking fees charged at Discovery Park might have rendered the low utilization of the residential parking spaces. In this regard, the Member considered that the applicant should apply to LandsD for a change to the car park mix as required under the lease conditions if it considered that the residential and commercial car parking requirement might not be that high due to changes in circumstances.

40. Upon the invitation of the Chairman, Mr. Albert Lee explained that Transport Department, in offering its comments on the subject planning application, had made reference to the development density and traffic conditions in the vicinity, the location of the site and its proximity to and convenience of access to major transport corridors or pedestrian links, the availability of public car parking spaces in the vicinity and the level of illegal parking in the vicinity. Specific for the development and in accordance with the HKPSG, it was considered that a Global Parking Standard of one parking space per eight flats was more appropriate for the residential parking requirements. Regarding the provision of commercial parking, it was considered that the higher-end requirement of one parking space for every 200m² commercial GFA should be adopted. It was therefore considered that the applicant had underestimated the parking space requirement under the HKPSG.

41. The Secretary noted that the application was the subject of three previous applications and its renewal applications had been approved twice by the Committee in 2006 and 2009. In this regard, she asked if there were any changes in the planning circumstances rendering the current planning permission not being renewed by the Committee.

42. In response, Mr. Albert Lee said that there were changes in the traffic conditions in the vicinity of the site since the last planning approval in 2009. In particular, it was noted

that there was inadequate provision of public car parking spaces and the level of illegal parking in the vicinity had been worsening in the last few years. Besides, the baseline situation of the traffic conditions and the development density in the area had also been increased in recent years.

43. A Member opined that according to the lease conditions and the MLP approved by the Board, there should be a provision of 672 car parking spaces for domestic purpose and 328 parking spaces for non-domestic purpose in the subject development. However, the applicant had made use of a number of the residential car parking spaces to meet the actual commercial parking space utilization of 421 spaces at peak hours. This Member said that it had violated the original planning intention of providing adequate commercial and residential car parking spaces to meet the needs of Discovery Park. Although the application for the same use had been approved thrice by the Board in 2004, 2006 and 2009, the current renewal application should not be approved as there were changes in planning circumstances since the last approval granted in 2009. The above views were shared by another Member.

44. A Member said that as the proposed conversion of the car parking spaces to motor-vehicle showroom use was not in the interest of the residents of Discovery Park, the subject planning application should not be approved.

45. The Chairman concluded that Members in general had no sympathy on the case and considered that the application should be rejected as there were changes in planning circumstances and there was insufficient information in the submission to demonstrate that with the conversion of the commercial car parking spaces for motor-vehicle showroom use, there would be sufficient commercial car parking spaces to meet the parking requirement.

46. After further deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 13.1 of the Paper and considered that it was appropriate. The reason was :

- there was insufficient information in the submission to demonstrate that with the proposed conversion of 156 commercial parking spaces for motor-vehicle showroom use, sufficient commercial car parking spaces would be provided to meet the requirement under the Hong Kong Planning

Standards and Guidelines to serve the commercial portion of the existing development on the application site.

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

[Mr. Patrick H.T. Lau left the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting]

A/TW/437 Proposed Shop and Services in "Industrial" zone, Hale Weal Industrial Building, Nos. 22-28 Tai Chung Road, Tsuen Wan, N.T. (Tsuen Wan Town Lot No. 332)
(MPC Paper No.A/TW/437)

47. The Secretary reported that the applicant's representative requested on 18.7.2012 for a deferment of the consideration of the application for two months as more time was required to settle the traffic concerns raised by the Commissioner for Transport.

48. 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 preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Kowloon District

Agenda Item 10

Section 12A Application

[Open Meeting]

Y/K18/7 Application for Amendment to the Approved Kowloon Tong OZP No. S/K18/16 from “Government, Institution or Community (2)” to “Government, Institution or Community (6)”, 300 Junction Road, Kowloon Tong, Kowloon
(MPC Paper No. Y/K18/7A)

49. The Secretary reported that the applicant’s representative requested on 26.7.2012 for a deferment of the consideration of the application for two months in order to allow time for the applicant to carry out additional traffic surveys to address the comments of the Transport Department and the Hong Kong Police Force on the application.

50. 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 further period of two months were allowed for preparation of the submission of the further information, and as a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting]

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

51. The application was submitted by Tsi Mai Co. Ltd. with LD Asia Ltd. (LD), Environ Hong Kong Ltd. (Environ), AECOM Asia Co. Ltd. (AECOM), and Sun Hung Kai Architects and Engineers Ltd. (a subsidiary of Sun Hung Kai Properties Ltd. (SHKP)) as its consultants. The Secretary reported that the following Members had declared interests in this item :

Professor S.C. Wong	- had current business dealings with AECOM
Ms. Julia M.K. Lau	- had current business dealings with Environ
Mr. Dominic K.K. Lam	- had current business dealings with AECOM and SHKP
Mr. Patrick H.T. Lau	- had current business dealings with LD, AECOM and SHKP

52. The Committee noted that Mr. Lam and Ms. Lau had tendered apologies for being unable to attend the meeting while Mr. Lau had left the meeting already. As the applicant had requested to defer consideration of the application, the Committee agreed that Professor Wong could be allowed to stay in the meeting.

53. The Secretary reported that the applicant's representative requested on 1.8.2012 for a deferment of the consideration of the application for two more months as more time was required for the preparation of further information on hazard assessment to address the comments of the Director of Electrical and Mechanical Services on the application.

54. The Secretary stated that the application had been deferred three times since December 2011 due to the need to prepare further information to address the comments of relevant government departments on the issues related to noise, traffic, building façade and hazard assessment. The applicant had endeavoured to submit further information during the course to address the departmental comments on the application.

55. 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 a further period of two months were allowed for preparation of the submission of the further information, and as a total period of eight months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/K15/96 Proposed Comprehensive Development including Residential, Commercial, Hotel and Government, Institution or Community Uses and Minor Relaxation of Building Height and Plot Ratio Restrictions in “Comprehensive Development Area” zone, various Yau Tong Marine Lots and Adjoining Government Land at Yau Tong Bay, Yau Tong
(MPC Paper No.A/K15/96J)

56. The application was submitted by Main Wealth Development Ltd. (a joint venture of owners of the application site comprising Sun Hung Kai Properties Ltd. (SHKP), Henderson Land Development Ltd. (Henderson), Hang Lung Development Ltd., Swire Properties Ltd. (Swire), Wheelock Properties Ltd. (Wheelock), Central Development Ltd., Moreland Ltd. and Fu Fai Enterprises Ltd.), with Dennis Lau & Ng Chun Man Architects & Engineers (Hong Kong) Ltd. (DLNCM), MVA Hong Kong Ltd. (MVA), AECOM Asia Co. Ltd. (AECOM) and Ove Arup & Partners Hong Kong Ltd. (Ove Arup) as its consultants.. The Secretary reported that the following Members had declared interests in this item :

- | | |
|-------------------------|--|
| Professor S.C. Wong | - had current business dealings with AECOM and Ove Arup |
| Mr. Clarence W.C. Leung | - being the Director of an non-government organisation that had recently received a private donation from a family member of |

- the Chairman of Henderson
- Mr. Roger K.H. Luk - being the ex-member of the Board of Director of Wheelock
- Mr. Dominic K.K. Lam - had current business dealings with SHKP, Henderson, Wheelock, MVA, AECOM and Ove Arup
- Mr. Patrick H.T. Lau - had current business dealings with SHKP, Henderson, Swire, Wheelock, DLNCOM, MVA, AECOM and Ove Arup

57. The Committee noted that Mr. Leung and Mr. Lam had tendered apologies for being unable to attend the meeting while Mr. Lau had left the meeting already. As the applicant had requested to defer consideration of the application, the Committee agreed that Professor Wong and Mr. Luk could be allowed to stay in the meeting.

58. The Secretary said that the applicant had requested the Board to defer a decision on the application nine times in order to allow time for preparing additional information to address the concerns of relevant government departments. The applicant had revised and submitted a master layout plan to the Board on 16.11.2011 to include the land-based facilities for a yacht centre development at two government sites in the “Comprehensive Development Area” (“CDA”) zone. Subsequently, a number of technical difficulties associated with the implementation of the yacht centre were identified and it was agreed that the yacht centre would be deleted from the “CDA” proposal and the two government sites previously proposed for land-based facilities of the yacht centre would be changed for hotel use. It was noted that the applicant would have a meeting with concerned government departments to discuss the issues shortly. On 26.7.2012, the applicant’s representative requested for a further deferment of the consideration of the application for three months as more time was required to prepare a revised architectural scheme and relevant technical assessments including traffic impact assessment, air ventilation, environmental, landscape and visual impact assessments to support the application.

59. 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 a further period of three months were allowed for preparation of the submission of the further information, and as this was the tenth deferment sought, no further deferment would be granted unless under very special circumstances.

Agenda Item 13

Any Other Business

60. There being no other business, the meeting closed at 10:20 a.m..