

TOWN PLANNING BOARD

**Minutes of 473rd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 7.9.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Professor P.P. Ho

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

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. Albert W.B. Lee

Chief Engineer (Works), Home Affairs Department
Mr. Frankie W.P. Chou

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

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

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

Secretary

Absent with Apologies

Professor S.C. Wong

Professor Eddie C.M. Hui

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Ms. Bonnie J.Y. Chan

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
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 472nd MPC Meeting held on 24.8.2012

[Open Meeting]

1. The draft minutes of the 472nd MPC meeting held on 24.8.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary informed Members that on 5.9.2012, the Court of First Instance dismissed a judicial review (JR) application lodged by Lindenford Limited against the Town Planning Board's decision in respect of the zoning amendments of the Skyway House site on the Mong Kok Outline Zoning Plan. The Secretary said that the details of the judgment of the JR case would be reported in the next Town Planning Board meeting.

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

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/K18/6E)

3. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

Miss Fiona S.Y. Lung - District Planning Officer/Kowloon (DPO/K)
Ms. Emily P.W. Tong - Town Planner/Kowloon (TP/K)

4. The following applicant's representatives were also invited to the meeting at this point:

Mr. Kenny Wong
Rev. Luk Fai
Mr. Peter Lim
Dr. Andrew Chan
Mr. Christopher Pang
Mr. Ko King Cheung
Mr. Lai Ka Hung
Mr. Wilson Yik

5. The Chairman extended a welcome to all attending the meeting.

6. Mr. Patrick H.T. Lau declared an interest in this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., one of the consultants of the applicant. As Mr. Lau had no involvement in the subject application, the Committee agreed that his interest was indirect and he could stay in the meeting.

Presentation and Question Sessions

7. The Chairman explained the procedures of the hearing and invited PlanD's representative to brief Members on the background to the application. With the aid of a Powerpoint presentation, Miss Fiona Lung, DPO/K, presented the application as detailed in the Paper and made the following main points:

Background

- (a) the application site, which was currently zoned "Government, Institution or Community(3)" ("G/IC(3)") on the Kowloon Tong Outline Zoning Plan (OZP), was subject to a building height restriction of 4 storeys (excluding basement);

- (b) the application site was located at the south-eastern periphery of Kowloon Tong near the Kowloon City area. It was currently occupied by the Bethel Bible Seminary (eastern portion of the site), Bethel Kindergarten and Nursery and Sear Rogers International School (western portion of the site). The building heights of the existing buildings within the site ranged from two to four storeys;
- (c) the site was surrounded by low to medium-rise/density residential developments to the north, east and south. Munsang College was located to the immediate north of the site across Dumbarton Road and Kowloon Tsai Park was located to the immediate west of the site across Inverness Road. The area was characterized by a mixture of schools, residential developments, Government, Institution and Community (GIC) facilities and open space;

Proposal

- (d) the applicant proposed to rezone the eastern portion of the application site from “G/IC(3)” to “G/IC(6)” and the western portion to “Residential (Group C)9” (“R(C)9”) to facilitate the redevelopment of the application site into a seminary at the eastern portion (with preservation of Sun Hok Building) and a residential building at the western portion. Each portion occupied half of the site;

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

- (e) within the proposed “G/IC(6)” zone (i.e. Portion A), the proposed seminary comprised (i) the preservation of the existing 3-storey Sun Hok Building, which was a Grade 2 historic building for seminar rooms/offices, and (ii) 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), chapel and car park. The total plot ratio (PR) proposed for the proposed seminary at Portion A was 4.14. Within the proposed “R(C)9”

zone (i.e. Portion B), a 8-storey residential block above one basement carpark floor with a PR of 3 was proposed. The major development parameters of the indicative scheme put forth by the applicant were detailed in paragraph 1.2 of the Paper;

- (f) the applicant's justifications were detailed in paragraph 2 of the Paper;

Government Bureaux/Departments' Comments

- (g) the comments of concerned bureaux and departments were detailed in paragraph 9 of the Paper and highlighted below:

District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD)

- (i) the lease of the site dated 19.7.1933 permitted the erection of not more than six detached or semi-detached houses of a European type. However, modifications to the lease were made subsequently to permit the site to be used only for educational purposes;
- (ii) the proposed redevelopment for seminary and residential blocks was in breach of the existing lease conditions. Should the application be approved by the Committee, lease modification to effect the proposed development would be required;

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

Secretary for Home Affairs (SHA)

- (iii) SHA was satisfied that the applicant, Bethel Mission of China (BMC), was a charitable religious organization. SHA gave policy support to the religious facilities of the new seminary block;

Secretary for Education

- (iv) it was noted that upon redevelopment, the Bethel Kindergarten and Nursery would be relocated in Kowloon City. There was no comment on the relocation of Bethel Kindergarten. However, the

Sear Rogers International School should notify the parents about the relocation plan and properly address their views and concerns;

Executive Secretary, Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department and the Commissioner for Heritage, Development Bureau

- (v) noted that Sun Hok Building of the Bethel Bible Seminary was a Grade 2 historic building and the heritage value mainly lied with this seminary. The major concern was hence to encourage in-situ preservation of the seminary as far as practicable;

- (vi) as the rear part of the seminary would be connected with the proposed development, the applicant should ensure that the proposed development should create no adverse impact on the integrity of the historic fabrics and architectural elements of the graded building. The design of the future development should be compatible with the historic Bethel Bible Seminary and firmed up in consultation with AMO. Besides, a conservation management plan (CMP), after obtaining approval for the planning application, should be submitted to AMO for agreement prior to the commencement of works. These requirements could be considered for incorporation into the lease modification conditions;

- (vii) appreciated private sector's initiative to promote preservation of built heritage and was pleased to offer technical assistance to facilitate a viable preservation-cum-redevelopment project;

The Director of Environmental Protection (DEP)

- (viii) for the proposed residential development at Portion B, it would be subject to road traffic noise impact from Dumbarton Road and Inverness Road. There was no objection to the rezoning application subject to the implementation of noise mitigation measures comprising (i) provision of building setbacks of 3m and 6m from the site boundary along Dumbarton Road and Inverness

Road respectively, and (ii) provision of 3m-high solid boundary wall at the site boundary along both Dumbarton Road and Inverness Road;

The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD)

- (ix) should the application be acceptable from the planning point of view, the applicant was advised to further explore the opportunity of stepping up measures to improve the visual relationship of the building façade design with the environment;

The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD)

- (x) in general, low-rise GIC developments were maintained to be the visual and spatial relief to an area. Any increase in development intensity and building height for the GIC developments would not be supported unless with full justifications. One of the justifications put forth by the applicant, i.e. insufficient space to meet the operational needs, was contradictory to his proposal of carving out about half of the site for residential use;

- (xi) according to the latest scheme submitted by the applicant, the design of the seminary block, i.e. glass curtain wall design, was markedly different from the adjoining preserved Grade 2 historic building in terms of building design. According to the Urban Design Guidelines of the Hong Kong Planning Standards and Guidelines (HKPSG), the building height, bulk, massing, proportion, or architectural design of a new development should respect the adjacent heritage feature and its setting. Wherever possible, the massing should be arranged in such a way that larger elements were located furthest from the heritage building and smaller elements were located closest to the heritage building so as to minimise negative impact of new neighbouring development;

- (xii) in general, low-rise GIC developments were maintained to be the visual and spatial relief to an area. To alleviate visual impacts imposed by the solid boundary wall proposed by DEP, visual and landscape mitigation measures should be provided;

Public Comments

- (h) a total of 242 public comments were received during the three-week statutory publication period. 228 public comments supported the application, 13 public comments objected to the application and one comment indicated 'no comment' on the application. The public comments were detailed in paragraph 10 of the Paper and highlighted below:

228 Public Comments Supporting the Application

- (i) the seminary provided valuable education and counselling services to the community;
- (ii) the seminary contributed greatly to educational services and enhanced the cultural amenity;
- (iii) the proposed residential development could increase the housing supply. It would be more efficient in terms of land usage;
- (iv) the proposed redevelopment would preserve the historic building without the support of the Government;
- (v) the two 8-storey buildings would be compatible with the surrounding environment without causing adverse impacts; and
- (vi) the applicant was a non-profit making organization and the use of property sale profit to support its development was not unacceptable;

13 Public Comments Objecting to the Application

- (vii) as there were many schools in the vicinity, the proposed development would bring about further traffic congestion problem in the area;
- (viii) the bulk of the proposed development was excessive and it would affect light penetration and block the view of adjacent buildings. It would have adverse visual impact on the surrounding areas;

- (ix) the design of the proposed development was not compatible with the European type architectural design of the historic building;
- (x) the proposed development might affect the overall provision of GIC facilities in the area and overload the local infrastructure and network;
- (xi) the applicant failed to provide reasonable justifications for the proposed residential development;
- (xii) the proposed use of property sale profit to subsidize the GIC portion was not supported; and
- (xiii) there was not much gross floor area gain for the GIC portion upon redevelopment;

Planning Department's (PlanD) Views

- (i) the planning considerations and assessments were detailed in paragraph 11 of the Paper and highlighted below:

Planning Intention

- (i) the rezoning of the site for higher density development would result in filling up low-rise gaps which were essential to serve as visual and spatial relief to congested urban areas. More importantly, such cumulative loss of breathing space and visual relief was permanent and irreversible. As such, any application for such rezoning should be supported with strong justification;
- (ii) the proposed residential and seminary uses on the application site were not incompatible with the surrounding GIC, open space and residential uses. Rezoning half of the site for residential uses would reduce the overall provision of GIC sites in the Kowloon Tong area. However, as there was no shortfall of GIC provision in the Kowloon Tong area, it was considered that the proposed rezoning of half of the site for residential use would not have adverse impacts on the overall GIC provision in the area;

Policy Support on the GIC Portion of the Development

- (iii) SHA gave policy support to the religious facilities of the proposed seminary block;

Proposed Increase in Building Height and PR

- (iv) the proposed increase of the building height restriction from the existing 4 storeys under the “G/IC(3)” zone to 8 storeys under the application was generally in line with the building height restriction of 8 storeys permitted under the “R(C)9”, “G/IC(6)” and “G/IC(10)” zones within the same street block and in the locality. The proposed building height of 8 storeys was not unacceptable from the urban design perspective. Besides, no significant impact on air ventilation was expected to be caused by the proposed 8-storey development;
- (v) the proposed PR of 3 for the residential portion was the same as the development intensity of the residential developments within the “R(C)9” zone in the same street block and immediate neighbourhood. The proposed PR of 4.14 for the proposed seminary portion was considered not excessive, taking into account the PR of 5 for the nearby “G/IC(10)” for a church development. The CTP/UD& L, PlanD had no adverse comment on the proposed development bulk;

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

Land Status

- (vi) the applicant claimed that the site was acquired by the applicant without any subsidy from the Government. According to DLO/KE, LandsD, the lease of the application site dated 19.7.1933 permitted the erection of not more than six European type houses. Modifications to the lease were subsequently made by the applicant to permit the site to be used only for educational purposes. Unlike some other GIC sites that were granted by the Government for

specified uses, the subject site was originally permitted for residential use under the lease;

Preservation

- (vii) since the Grade 2 historic building, i.e. Sun Hok Building, was within a private lot, there was currently no statutory mechanism to protect Sun Hok Building which might be demolished upon redevelopment of the GIC site. The applicant's proposal provided an opportunity to preserve this historic building. The preservation of Sun Hok Building was regarded as a planning gain associated with the proposed development. Should the application be agreed by the Committee, the design of the future development should be compatible with the historic Bethel Bible Seminary and firmed up in consultation with AMO;

Design Compatibility

- (viii) in view of the departmental concerns on the design compatibility of the new building with the historic building within the proposed "G/IC(6)" zone, should the Committee agree to the rezoning application, the applicant would be required to submit a s.16 planning application for the future development in the "G/IC" portion;

Technical Aspects

- (ix) there was no significant adverse impact on the local traffic, air ventilation, environmental quality, sewerage and infrastructure provisions in the area. Relevant government departments had no objection to or adverse comments on the application;

Public Comments

- (x) regarding the comments against using property sale to subsidize seminary development, it should be noted that the financial aspect of a project was not a main consideration in assessing a rezoning application. The Committee would take into account all relevant

planning considerations, merits of individual case and the justifications put forth by the applicant. With regard to the concern of setting a precedent, each application would be considered on its individual merits. For the subject case, the preservation of a historic building and land status of the site were all relevant considerations;

Conclusion

- (xi) the application was for rezoning half of the GIC site for residential use, and increasing the development intensity of the whole site. This proposal had some merits in that the Grade 2 historic building could be preserved. Besides, the proposal would not bring about significant adverse impact. Nonetheless, any application for increase in development intensity and building height for the GIC developments and rezoning for higher density residential development should be fully justified. The CTP/UD&L, PlanD pointed out that one of the justifications put forth by the applicant, i.e. insufficient space to meet the operational needs, was contradictory to the applicant's proposal of carving out about half of the site for residential use. The justification put forth by the applicant was that the proposed residential development was required to finance the new seminary. If the Committee considered the justification provided by the applicant sufficient to support the proposed rezoning, the PlanD would recommend appropriate zoning amendments to the OZP for the Committee's consideration, including the requirements for the preservation of the Grade 2 historic building and submission of a s.16 planning application for the proposed seminary development. The amended OZP together with the revised Notes and Explanatory Statement (ES) would be submitted to the Committee for consideration prior to gazetting under section 5 of the Town Planning Ordinance (the Ordinance);

8. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Dr. Andrew Chan made the

following main points:

Background

- (a) the Bethel Mission of China (BMC) was founded in Shanghai in 1925. It was moved to Hong Kong in 1938 and renamed as Bethel Bible Seminary in 1947. Bethel Bible Seminary offered various certificates/diploma /degree/master degree courses in biblical or pastoral education. In 1998, the Bethel Pastoral Counselling Centre was set up to provide counselling service to the community;
- (b) SHA was satisfied that BMC was a charitable religious organization. As such, SHA gave support to the religious facilities of the new seminary block as proposed by the applicant;
- (c) redevelopment of the seminary would not be materialized unless part of the application site could be rezoned for residential purposes. The revenue generated could cover the construction costs as well as the operation costs of the seminary in future;
- (d) the proposed residential development would provide a total of 44 flats and house about 154 persons. Hence, the proposed residential development would help to ease housing shortage in the urban area. This was in line with the Government's measure to increase housing land supply by rezoning appropriate GIC sites to other uses;

Similar Applications for a Church Development

- (e) there was a similar application (Application No. Y/K18/2) for rezoning of a site at 39 Grampian Road from "G/IC(4)" to "G/IC(10)" to relax the building height restriction from 5 storeys to 9 storeys to facilitate redevelopment of the existing church building. The rezoning application was partially agreed by the Committee by allowing a maximum building height restriction of 8 storeys and a maximum PR of 5. The rezoning proposal was subsequently incorporated in the draft Kowloon Tong OZP No. S/K18/4;

- (f) the proposed redevelopment of the seminary and the residential development on the site had a total PR of 3.57. The total PR proposed for the seminary development was 4.14, while the proposed PR for the 8-storey residential development was 3;

The Site and its Surrounding Area

- (g) the Kowloon Tong area was characterised by a mixture of schools such as Pooi To Middle School near to the site, low to medium-rise residential developments, GIC facilities and open space such as Kowloon Tsai Park. The proposed residential and seminary developments on the application site was not incompatible with the surrounding GIC uses, open space and residential uses;

Response to Government Bureaux/Departments' Comments

- (h) the applicant noted that the concerned government bureaux/departments had no objection to the application. Their comments and applicant's responses were as follows:

Heritage Preservation Aspects

- (i) the C for Heritage and ES/AMO, LCSD appreciated the applicant's initiative to promote preservation of built heritage and were pleased to offer technical assistance to facilitate a viable preservation-cum-redevelopment project at the application site;

Urban Design, Air Ventilation and Landscape Aspects

- (ii) the CTP/UD&L, PlanD commented that one of the justifications put forth by the applicant, i.e. insufficient space to meet the operational needs, was contradictory to the applicant's proposal of carving out about half of the application site for residential use. The CTP/UD&L, PlanD's comments were a kind of 'straw man fallacy' as they distorted the applicant's justifications. The applicant did not say that they only needed space. The applicant said that they also needed money to finance the redevelopment of the seminary.

The Bethel Bible Seminary was not subvented or subsidized by the Government. Its income relied mainly on tuition fees, donation and the rent from leasing part of the premises to a private school. The limited financial resources would not be sufficient to cover the cost of the redevelopment of the seminary. It was therefore proposed to rezone half of the site for residential development to finance the seminary development. The proposed scheme would enable the applicant to achieve the two objectives. Hence, there was no contradiction as commented by the CTP/UD&L, PlanD;

- (iii) the CTP/UD&L, PlanD's comments assumed that the redevelopment of the seminary had only one planning objective. This was a wrong assumption and had misinterpreted the nature of town planning. Usually, a planning proposal would have more than one planning objective, and there would be conflicts among these planning objectives. Reference was made to Philip Berke and David Godschalk's book, *Urban Land Use Planning* (5th Edition) (2006). It was mentioned in the book that development conflict, resource conflict and property conflict were the three primary contradictions among goals of sustainable development. If planners narrowly paid attention to a single conflict, they would miss a range of other conflicts that might prevent development of plans that were comprehensive. Further, these conflicts would be resolved through mediation. This could be illustrated in the "Orange Story" in which two parties were fighting for an orange. A 'win-win' solution could be achieved if one party had the peel and the other party had the flesh of the orange. The rezoning of the site for seminary and residential uses could also achieve a 'win-win' situation as it could contribute to the supply of residential flats and at the same time it could finance the redevelopment of the seminary;

Planning Intention

- (iv) it was stated in paragraph 11.1 of the Paper that as set out in the Hong Kong Planning Standards and Guidelines (HKPSG), low-rise GIC developments were maintained as visual and spatial relief and breathing space to the built-up area. Any increase in development intensity and building height for the GIC developments and rezoning for higher density residential development would result in filling up of the low-rise gaps that were much needed in the congested urban environment. However, the application site did not have such problem as it was not located in a congested urban environment. Instead, it was located in a neighbourhood mainly comprising low-rise residential developments, open space and schools. Kowloon Tsai Park was to its west and the low-rise Munsang College was to its north. Furthermore, the site was not sandwiched between two buildings. It had its frontages abutting three streets. Hence, the redevelopment on the site would not fill up a low-rise gap much needed in a congested urban environment;

Building Height and PR

- (v) it was stated in paragraph 11.4 of the Paper that the proposed building height of 8 storeys for both the seminary and residential development was not unacceptable from the urban design perspective, in considering the visual compatibility with the adjacent developments. The CA/ASC, ArchSD also had no adverse comments on the application from the visual point of view. Moreover, the CTP/UD&L, PlanD considered that by relocating some uses to the basement under the latest scheme submitted by the applicant, the reduced building bulk of the new seminary block was more visually compatible with the preserved historic building and its surrounding area. Besides, no significant impact on air ventilation was expected to be caused by the proposed 8-storey developments;
- (vi) it was stated in paragraph 11.5 of the Paper that the proposed PR of 4.14 for the seminary development was considered not excessive,

taking into account the PR of 5 of a church development in the nearby “G/IC(10)” zone. The CTP/UD& L, PlanD had no adverse comments on the proposed development bulk;

Design Compatibility

- (vii) regarding the comments of the CA/ASC, ArchSD and the CTP/UD&L, PlanD on the building façade design of the proposed seminary block, i.e. glass curtain wall design and its compatibility with the environment and the historic Sun Hok Building, it should be noted that the proposal submitted by the applicant was a conceptual drawing. Should the rezoning proposal be agreed by the Committee, the applicant would work out and firm up the detailed design of the proposed seminary block in consultation with AMO. The applicant would also submit a CMP to AMO for its agreement prior to commencement of works. As stated in paragraph 9.1.4 of the Paper, AMO considered that its requirements on the building design of the proposed seminary block and the CMP could be considered for incorporation into the lease modification conditions. Hence, the requirement for a s.16 approval for the future development in the “G/IC” portion as proposed by the PlanD in paragraph 11.8 of the Paper was redundant;

Public Comments on Setting a Precedent for Rezoning the GIC site for Residential Development

- (viii) as regards the public comments and concern of setting an undesirable precedent by rezoning the GIC site, it was considered that the Committee should consider planning applications on individual merits. For this application, the preservation of a historic building and the land status were relevant considerations; and

Contribution to Supply of Residential Flats

- (ix) the proposed residential development in Portion B of the site would provide 44 flats and house about 154 persons. It was a positive

response to the Government's latest housing policy to ensure sufficient land supply in the urban areas. However, this contribution was totally ignored by the PlanD. The applicant wished the Committee to take account of this factor in considering the application;

9. The Chairman said that the applicant's justification on 'contribution to supply of residential flats' was already stated in paragraph 2(g) of the Paper and the same point was mentioned in the public comment received. This justification alongside with others would be considered by the Committee. The Chairman then invited applicant's representative, Rev. Luk Fai to elaborate on the application.

10. Rev. Luk Fai, the President and the Dean of Bethel Bible Seminary, also made the following main points:

- (a) the Bethel Pastoral Counselling Centre was established in 1998. The Centre provided various counselling courses and services to the public such as personal counselling, family counselling and pre-marriage and marriage counselling. The Centre handled about 5,000 – 6,000 cases every year; and
- (b) the Bethel Bible Seminary offered postgraduate programmes such as Master of Christian Marriage and Family Therapy and Clinical Pastoral Education programmes. The students would provide pastoral ministry to patients and their families in the hospitals and to the prisoners as well. In addition, it also offered counselling-related professional training for counsellors. The training was certified by the Hong Kong Professional Counsellor Association. The Bethel Bible Seminary had to be expanded to cope with the increase in demand for counselling services.

11. Regarding a Member's enquiry on the Buildings Department (BD)'s comments relating to the proposed domestic site coverage for 4/F, 5/F and 6/F as mentioned in paragraph 9.1.10 of the Paper, Miss Fiona Lung pointed out that 4/F to 6/F were proposed for domestic uses (student hostels and faculty quarters) whereas the remaining floors were for

non-domestic uses. BD thus required the applicant to clarify the proposed site coverage for 4/F to 6/F.

12. In response to the same Member's questions, Rev. Luk Fai said that BMC was a religious organization. According to the Education Ordinance (Chapter 279), any school providing solely religious education should be exempted from the Education Ordinance. Hence, the education programmes provided by the Bethel Bible Seminary were exempted from registration under the Education Ordinance. The courses were also exempted from the assessment by the Hong Kong Council for Accreditation of Academic and Vocational Qualification (HKCAAVQ). Moreover, all the courses provided by the Bethel Bible Seminary were at level 5 and level 6 of the Qualification Framework. Over the years, some students of the Bethel Bible Seminary had submitted documents to HKCAAVQ and were successfully accredited. Rev. Luk Fai also said that the new seminary block would provide enough spaces in terms of classrooms and student hostels to meet the demand for the coming 10 years.

13. In response to a Member's enquiry on whether the applicant would sell or rent out the residential development, Rev. Luk Fai said that they had not decided on the arrangement. In response to another Member's question of the land ownership, Rev. Luk Fai said that the land was owned by BMC and the ownership would be retained by BMC.

14. Referring to the three proposed building designs submitted by the applicant as attached in the Paper, a Member was concerned about the compatibility of the historic building with the new seminary block. This Member commented that although the new seminary block had been set back from Sun Hok Building, the current proposal with glass curtain wall design was a retrogression as compared with another building design submitted by the applicant earlier. This Member enquired whether the façade of the proposed seminary block could be improved so that it could be more compatible with Sun Hok Building. In response, Dr. Andrew Chan said that the applicant had submitted different schemes to address the government departments' concerns. The design submitted was a preliminary design and upon obtaining planning approval from the Committee, the applicant would firm up the building design of the proposed seminary block in consultation with AMO and submit a CMP for the preservation of Sun Hok Building for AMO's agreement. Besides, as advised by AMO, these requirements could also be included in the lease

modification conditions.

15. A Member pointed out that according to the applicant's proposal, half of the site (eastern portion) would be occupied by the seminary, while the rest of the site would be for residential development. The seminary would comprise the preserved historic building and an 8-storey new seminary block to provide facilities such as classrooms, canteen and student/staff quarters. This Member cast doubt on whether the proposed seminary development would have sufficient space to provide a pleasant study environment for the students. This Member also enquired whether the applicant would consider increasing the site area for the seminary by reducing the site area for the proposed residential development, so that more space could be reserved for education purpose. In response, Rev. Luk Fai said that as compared with the existing seminary, the proposed seminary development would provide improved facilities regarding the provision of library, canteen, lecture rooms and student hostels. These facilities would be similar to those provided by other tertiary education institutions. Moreover, the floor-to-floor height of the classrooms would be increased and most of the open area within the seminary, including the courtyard area and the roof-top of both the new and old blocks, would be designed as garden areas for passive recreational purposes. It could provide quality open space for students and teaching staff to enjoy.

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

16. In response to a Member's question on the tuition fee of the courses to be run by the Bethel Bible Seminary, Rev. Luk Fai said that each student had to pay about HK\$700 for each credit of an undergraduate course and HK\$1000 for each credit of a postgraduate course. The tuition fee was just about one-third of that charged by the Hong Kong Polytechnic University.

17. A Member enquired whether the buildings occupied by the existing kindergarten and international school could be used to accommodate the additional facilities. In response, Rev. Luk Fai said that as the concerned buildings were about 60 years old with dilapidating physical conditions, it would be more cost effective to develop a new block, rather than renovating the old buildings. Furthermore, to allow the provision of a new seminary block, half of the site had to be carved out for residential purposes so as to finance

the seminary development.

18. As the applicant's representatives had no further points to make and Members had no further questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

19. A Member raised concern on with the design of the new seminary block and its integration with Sun Hok Building and said that it would be necessary to require the applicant to submit a s.16 planning application such that the Committee could scrutinise the design of the new seminary block.

20. A Member opined that as the application was to rezone part of the GIC site for residential development and the PR of the site would be increased, any application for such rezoning should be supported with strong justifications. In this regard, this Member considered that the fact that the land was purchased by the applicant without any subsidy from the Government and was permitted for residential use under the original lease should be taken into account. The proposed seminary and residential developments were not incompatible with the surrounding areas in terms of scale. Hence, this Member tendered support to the rezoning application. As regards the façade design of the new seminary block and its compatibility with the Grade 2 historic building, this Member also agreed that a s.16 approval for the future redevelopment was necessary so as to allow the Board to ensure the compatibility of the building design. The above views were shared by other Members.

21. In response to a Member's enquiry, the Secretary said that the subject application was a rezoning application under s.12A of the Ordinance. If the Committee agreed to the rezoning application, the PlanD would submit the zoning amendments to the OZP for the Committee's consideration before gazetting the amendments for public inspection under the Ordinance. Members' concern on the need to preserve the Grade 2 historic building, and the need to scrutinize the design of the new seminary block to ensure its compatibility with Sun

Hok Building and the residential development in the surrounding, would be taken into consideration in drawing up the appropriate zoning amendments to the OZP. The proposed amendments to the Kowloon Tong OZP would be submitted to the Committee for consideration prior to gazetting under section 5 of the Ordinance for public inspection.

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

22. In response to a Members' enquiry, the Chairman said that a set of guidelines would be provided by AMO in the CMP to guide the preservation of the Grade 2 historic building. The principles and the practices in the guidelines had made reference to some well-known heritage conservation charters and documents. According to one of the charters, it stated that the physical remains should be conserved in their historic condition without loss of evidence. The results of intervention should be unobtrusive when compared to the original fabric or to previous treatments, but still should be distinguishable.

23. A Member said that GIC sites were reserved for the provision of GIC facilities to serve the needs of the public. This Member was concerned that approval of the rezoning application for residential use would set a precedent for similar requests, which would reduce the number of GIC sites and the provision of GIC facilities to serve the public. In response, the Chairman said that as the site was privately owned, the Government could not demand the applicant to provide GIC facilities to meet the public needs. Besides, there was no shortfall of GIC facilities in the Kowloon Tong area. The PlanD could help identify suitable sites for GIC uses if the need arose in future.

24. Another Member noted that the Government had allowed the use of GIC sites for residential purpose to ease the housing shortage problems. This Member was concerned that the rezoning of GIC sites for other uses would cause permanent loss of low-rise space in the congested urban area. Rezoning of the GIC sites would encourage the GIC operators to convert the GIC use for short-term gain. This would contravene the original intention of reserving land for community uses. In response, the Secretary said that as a measure to increase housing land supply, the Government had undertaken a review of the GIC sites and proposed to rezone for residential use. Those GIC sites had no planned development programme and were no longer required for GIC use. Also, a pre-requisite for rezoning was that GIC facilities would be sufficient to serve the respective district. The Secretary

continued to say that for the subject GIC site, PlanD considered that the applicant's proposal would not bring about adverse impact and had the merit of preserving the historic building by its own resources. The supply of flat to meet housing demand was only one of the considerations.

25. A Member said that the rezoning application could be supported, taking into account that the original lease of the application site which allowed residential use and the proposed residential development would finance the operation of the Bethel Bible Seminary. However, this Member opined that there should be sufficient separation between Sun Hok Building and the new seminary block. This Member also enquired if financial viability was a relevant consideration in the application, and if so, whether it was necessary for the applicant to submit evidence/information on its financial viability for the Committee's consideration.

26. In response, the Secretary quoted a judicial review (JR) lodged by the Capital Rich Development Limited in respect of an urban renewal project (H19 project) in Staunton Street. The Secretary said that in that JR, the Judge was of a view that it was proper for the Board to take into account the financial viability of the Development Scheme to be implemented by the Urban Renewal Authority. If the Board decided to do so, sufficient evidence should be provided by the applicant to justify the factor of financial viability.

27. A Member opined that the Committee should not put too much weight on the financial viability of the proposed development in considering the current rezoning application. This Member was of the view that other planning considerations, including the compatibility of the proposed residential development with the surrounding area and whether there would be adverse impacts on the local neighbourhood, were more relevant. Moreover, the applicant's proposal to preserve the Grade 2 historic building without any subsidy from the Government was considered as a planning gain of the redevelopment proposal. In view of the above, this Member supported rezoning part of the GIC site for residential use.

28. A Member also agreed that the financial viability of the proposed development should not be a major concern in the current rezoning application. This Member considered that land status was relevant in considering whether the GIC site could be rezoned for other uses.

29. Ms. Doris Chow, the Assistant Director of Lands (Hong Kong) of LandsD enquired whether the lease of the site should be taken into account by the Committee in considering planning applications. In response, the Chairman said that the Committee should consider planning applications on their individual merits and decide how much weight should be given to the various factors to be taken into account, including the lease of the site. The Secretary supplemented that in general, the lease of the site was one of the considerations taken by the Committee.

30. In response to a Member's enquiry, Ms. Doris Chow said that as the current lease was for educational purpose, the applicant would need to apply for a modification of lease and pay the premium required to effect the proposed development.

31. The Chairman concluded that with the preservation of Sun Hok Building, the Committee was generally supportive of the redevelopment proposal under application. However, Members were concerned about the design of the new building vis-à-vis the preservation of the Grade 2 historic building.

32. After further deliberation, the Committee decided to partially agree to the application. The Committee decided to (i) propose amendments to the OZP by rezoning the western part of the site from "G/IC(3)" to "R(C)9" with a maximum domestic plot ratio of 3 and a building height restriction of 8 storeys (excluding basement floor(s)); and (ii) propose amendments to the OZP by rezoning the eastern portion of the site from "G/IC(3)" to an appropriate zoning with the requirement set out in the Notes that the Grade 2 historic building should be preserved and that the future development on the site would require a s.16 approval from the Committee. The proposed amendment to the approved Kowloon Tong OZP No. S/K18/16 would be submitted to the Committee for agreement prior to gazetting under the section 5 of the Town Planning Ordinance upon reference back of the OZP for amendment by the Chief Executive in Council.

Tsuen Wan and West Kowloon District

[Mr. William K.C. Ying, 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/TY/120 Proposed Animal Boarding Establishment with Office and
Shop and Services in “Government, Institution or Community” zone,
Government Land at Cheung Fai Road, Tsing Yi
(MPC Paper No. A/TY/120)

33. The Secretary reported that Environ Hong Kong Ltd. was one of the consultants of the applicant. Ms. Julia M.K. Lau, who had current business dealings with Environ Hong Kong Ltd., had declared an interest in this item. As Ms. Lau had no involvement in the subject application, the Committee agreed that her interest was indirect and she could stay in the meeting.

Presentation and Question Sessions

34. With the aid of the visualizer, Mr. William K.C. Ying, STP/TWK, presented the application and made the following main points as detailed in the Paper :

- (a) background to the application;
- (b) the proposed animal boarding establishment with office and shop and services;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 7 of the Paper;

- (d) a total of 147 public comments were received during the three-week statutory publication period. A comment was submitted by Designing Hong Kong Limited which supported the application taking into account the growing demand for animal care services, challenges in identifying additional sites and the profile of the surrounding environment and recommended to increase the building height and plot ratio of the proposed development. Another private individual commented that as dogs were not allowed in the adjacent waterfront promenade, it was hoped that the Board would give attention to supporting facilities. Another individual suggested introducing pet owner training courses and pet parks in the proposed development. The remaining 144 public comments objected to the application on the grounds that there would be insufficient car parking spaces in the vicinity, the existing public car parking spaces at the application site would be reduced and adverse traffic brought by the proposed development was anticipated;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 9 of the Paper. As regards the public concern on the reduction in public car parking spaces due to the approval of the application, the Commissioner for Transport (C for T) advised that the proposed development would occupy the southern portion of the site and the northern portion of the site could still be maintained as a public car park. Moreover, the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) would regularly tender short term tenancy (STT) sites in the vicinity for car parking purposes. Hence, the overall supply of car parking facilities in the surrounding area would not be affected. Regarding the concerns on adverse traffic impacts brought by the proposed development, C for T had no adverse comments on the application from the traffic point of view.

35. In response to a Member's enquiry, Mr. William Ying said that the application site was situated on government land and it was part of a fee-paying public car park (excluding container tractors and trailers) under STT. The fee-paying public car park had been operated on the application site for five years. Currently, there were 60 parking spaces

for trucks and 140 parking spaces for private cars on the whole public car park. In the southern portion of the car park, there were 20 parking spaces for private cars and 60 parking spaces for trucks. As the proposed development would only occupy the southern portion of the car park and the northern portion would still be retained for public car parking use, the number of car parking spaces affected was minimal. Moreover, there was adequate parking facilities within the public housing estates in the vicinity, LandsD would also regularly tender STT sites in the vicinity for car-parking use. Hence, the overall supply of car parking facilities in the surrounding area would not be affected.

36. Referring to paragraphs 7.1.3(b) and 9.7 of the Paper on LandsD's regular tenders for car park on STT basis, Ms. Doris Chow, the Assistant Director of Lands (Hong Kong) of Lands Department, clarified that LandsD would tender STT sites for public car parking purposes on a temporary basis, and the STT sites would be renewed quarterly thereafter. However there was no guarantee that a replacement site for fee-paying public car park could be provided.

37. Mr. Albert Lee, the Assistant Commissioner for Transport (Urban), said that the existing car parking facilities in the vicinity were not fully utilized. The overall supply of car parking facilities in the surrounding area was sufficient to cope with the demand for car parking facilities. Notwithstanding, it would help to meet the demand if there were more STT sites tendered out for public car parking use.

Deliberation Session

38. Referring to Plan A-3 of the Paper, a Member said that there was a cargo handling area to the southeast of the application site and the cargo handling area would generate frequent vehicular trips along Cheung Fai Road. This Member enquired whether vehicular trips generated by the proposed development would cause significant traffic impacts on the surrounding road network. In response, Mr. Albert Lee said that according to the traffic impact assessment (TIA) report submitted by the applicant, the results demonstrated that the proposed development would not cause adverse traffic impacts on the surroundings. C for T had no objection to the results of the TIA report.

39. A Member had no in-principle objection to the application. This Member

suggested that public car parking facilities could also be accommodated within the proposed development and the provision of greening on the roof top of the proposed development should be maximized so as to improve the landscape and visual amenity of the proposed development.

40. 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 7.9.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supplies for fire-fighting and fire service installations to the satisfaction the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to note the comments of the Secretary for Food and Health (SFH) that subsequent to the policy support given in 2010, SFH and Agriculture, Fisheries and Conservation Department continued to give support only for non-profit making works in promoting and benefiting the animal health and welfare in Hong Kong such as stray animal management, animal adoption and animal welfare education;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department that if the planning application was approved by TPB, the Private Treaty Grant (PTG) application would be considered by the Lands Department acting in its capacity as Landlord at its sole discretion. Policy support from the Food and Health Bureau and support from the Agriculture, Fisheries and Conservation Department were prerequisite for processing the PTG application. Besides, the prospective

grantee must be financially capable of completing their project and processing of a land grant would not commence until the sponsoring department certified that the prospective grantee had or would be able to find sufficient funds to complete the project. Any approval, if given, would be subject to such terms and conditions, including inter alia, payment of premium and administrative fee, as might be approved by the Lands Department. There was no guarantee that the application would be approved or the application site should be reserved if the application site was needed for an alternative purpose;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that compliance with Sustainable Building Design Guidelines was a pre-requisite in case exemption of non-mandatory/non-essential plant rooms and services from Gross Floor Area calculations was applied for. All provisions of the Buildings Ordinance should be complied with. Detailed comments would be given upon formal submission of building plan for approval;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The provision of emergency vehicular access in the application site should comply with standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 under the Building (Planning) Regulation 41D;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that fresh water from government mains should not be used for watering nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes might be given on concessionary supply basis if an alternative supply was impracticable and evidence to that effect was offered to and accepted by the Water Authority. Such permission would be withdrawn if, in the opinion of the Water Authority, the supply situation

required it;

- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the proposed animal boarding establishment had to meet the licensing and welfare standards under Cap. 139 Public Health (Animals) (Boarding Establishment) Regulations; and
- (g) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that the application site fell within the existing Harbour Area Treatment Scheme sewage tunnels protection zone, as shown in Strategic Sewage Disposal Scheme (SSDS) (100) and SSDS (200). Any proposed site investigation works within SSDS100 and proposed construction works (site formation, foundation works or excavation of basements, shafts, tunnels and the like) within SSDS 200 should be submitted to Geotechnical Engineering Office and Drainage Services Department for comment before implementation in accordance with ETWB TCW 28/2003.

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

Kowloon District

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/282 Proposed Hotel (Wholesale Conversion of an Existing Industrial Building) in “Other Specified Uses” annotated “Business” zone,
3 Wang Kee Street, Kowloon Bay
(MPC Paper No. A/K13/282)

42. The Secretary reported that Kenneth To & Associates Ltd., LLA Consultancy Ltd. and Environ Hong Kong Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

Mr. Dominic K.K.Lam		had current business dealings with Kenneth To
Mr. Patrick H.T.Lau]	& Associates and LLA Consultancy Ltd.;
Ms. Julia M.K. Lau	-	had current business dealings with Environ Hong Kong Ltd.;

43. The Secretary said that as the above Members had no involvement in the subject application, the Committee agreed that their interests were indirect and they could stay in the meeting.

Presentation and Question Sessions

44. With the aid of a Powerpoint presentation, Mr. Richard Y.L. Siu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (wholesale conversion of an existing industrial building);
- (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) three public comments were received during the three-week statutory publication period. The commenters, including one Kwun Tong District Council member supported the application for the reasons that approval of the application would support Hong Kong tourism industries, provide more hotel rooms, and enhance the economy without incurring additional traffic. Besides, the original workshop at the site would be moved to another premises within the district thus retaining jobs for the original workers; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The three supportive public comments were noted.

45. Members had no question on the application.

Deliberation Session

46. In response to the Chairman's enquiry regarding a similar application at No. 8 Wang Kwong Street, Mr. Richard Siu said that there were four previous applications approved by the Committee for hotel development at No. 8 Wang Kwong Street. In 2010, a set of general building plans was approved by the Building Authority for wholesale conversion of hotel development. According to site inspection, the hotel development had not yet commenced.

47. 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 7.9.2016, 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 design and provision of parking facilities, loading/unloading spaces, lay-bys, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the

Town Planning Board;

- (b) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification, waiver or special waiver;
- (b) to note the comments of the Director of Environmental Protection that hotel developments were normally provided with central air conditioning system and the applicant/authorized persons should be able to select a proper location for fresh air-intake during design stage to avoid exposing future occupants under unacceptable environmental nuisance/impact;
- (c) to note the comments of the Director of Fire Services that arrangement on Emergency Vehicular Access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should maximize the provision of greening at the flat roofs of 1/F, 3/F, 4/F and roof floor to improve the landscape and visual amenity of the development;
- (e) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that
 - (i) to appoint an Authorized Person to submit building plans for the

proposed alteration and additions works to demonstrate full compliance with the current provisions of the Buildings Ordinance;

- (ii) the application for hotel concession under Building (Planning) Regulation 23A would be considered upon submission of building plans subject to compliance with the criteria under Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40; and

- (f) to note the comments of the Chief Officer (Licensing Authority) of Home Affairs Department to submit documentary evidence showing that the Building Authority 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. The fire service installations provisions should comply with paragraph 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 upon receipt of an application under HAGAO.

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/677 Proposed Shop and Services (Bank) in “Other Specified Uses” annotated
“Business” zone, Unit A1(Factory A1), G/F, Block 1,
Camelpaint Buildings, 62 Hoi Yuen Road, Kwun Tong
(MPC Paper No. A/K14/677)

49. The Secretary reported that Raymond Chan Surveyors Ltd. was the consultant of the applicant. Mr. Dominic K.K. Lam had declared an interest in this item as he had current business dealings with the consultant. As Mr. Lam had no involvement in the subject application, the Committee agreed that his interest was indirect and he could stay in the meeting.

Presentation and Question Sessions

50. 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;
- (b) the proposed shop and services (bank);
- (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) two public comments were received during the first three week statutory publication period. One commenter expressed support to the application without giving any reason, the other commenter pointed out that the existing pedestrian footpath near the application premises was narrow and expressed concern that the proposed bank use might generate additional pedestrian traffic; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The supportive public comment was noted. As regards the public comment on the proposed bank would cause heavy pedestrian traffic, the existing footpath near the application premises was narrow and the proposed use might generate additional pedestrian traffic, the Commissioner for Transport had been consulted and had no comment on the proposed use. The proposed bank would unlikely cause heavy pedestrian traffic.

51. Members had no question on the application.

Deliberation Session

52. 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 7.9.2014, 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 suitable fire resisting construction and design completely separated from the industrial occupancies, and fire service installations and water supplies for fire-fighting, in the application premises to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation of the use; and
- (b) if the above planning condition was not complied with before the operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) apply to the District Lands Officer/Kowloon East for lease modification or

waiver for the proposed 'Shop and Services (Bank)' use at the application premises;

- (b) to note the comments of the Director of Fire Service to observe Town Planning Board's guidance note on compliance with planning condition on provision of fire safety measures for commercial uses in industrial premises; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit building plans for the proposed change of use and/or alteration works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance (BO), including:
 - (i) the provision of means of escape in accordance with Building (Planning) Regulation 41(1) and the related Code of Practice;
 - (ii) the application premises was to be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the related Code of Practice;
 - (iii) the provision of access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
 - (iv) the applicant should note that for unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with Building Department's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the application site under the BO.

[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 7

Any Other Business

54. There being no other business, the meeting closed at 11:30 a.m..