

TOWN PLANNING BOARD

Minutes of 478th Meeting of the Metro Planning Committee held at 9:00 a.m. on 23.11.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Mr. H.W. Cheung

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Mr. Stephen H. B. Yau

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

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

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

Mr. Maurice W.M. Lee

Ms. Bonnie J.Y. Chan

Mr. Sunny L.K. Ho

In Attendance

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

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

Town Planner/Town Planning Board
Mr. Vincent W.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 477th MPC Meeting held on 9.11.2012

[Open Meeting]

1. The draft minutes of the 477th MPC meeting held on 9.11.2012 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

[Ms. Fannie F. L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/393 Shop and Services (Property Agency) in “Industrial” zone, Unit 02B
(Room 4), G/F, Profit Industrial Building, Nos. 1-15 Kwai Fung
Crescent, Kwai Chung
(MPC Paper No.A/KC/393)

[Mr. H. W. Cheung arrived at the meeting at this point.]

Presentation and Question Sessions

3. Ms. Fannie F. L. Hung, STP/TWK, presented the application with the aid of a

powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (Property Agency)
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applicant;
- (d) no public comment was received on the application during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Kwai Tsing), Home Affairs Department;
- (e) during the first three weeks of the statutory publication period of Further Information to the application, no comment was received; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

4. Members had no question on the application.

[Mr. Patrick Lau arrived at the meeting at this point.]

Deliberation Session

5. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 23.11.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures and fire service installations in the subject premises within 3 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 23.2.2013;
- (b) the implementation of fire safety measures and fire service installations in

the subject premises within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 23.5.2013; and

- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) to note that shorter compliance periods were granted in order to monitor the fulfilment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to note the comments of District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that should the planning application be approved, the applicant was required to apply for a temporary waiver for the shop and services use. The temporary waiver application would be considered by LandsD acting in the capacity as the landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions including inter alia, payment of waiver fee and administrative fee, as considered appropriate by LandsD;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the Premises should be separated from the remaining of the building with fire resistance period of not less than 2

hours. Under section 4(1)(a) of the Buildings Ordinance (BO), an Authorized Person (AP) should be appointed to coordinate building works except those exempted works as defined in the s.41 of the BO;

- (e) to note the comments of the Director of Fire Service that and the entire premises should be covered by sprinklers, hose reel(s), fire alarm system, visual fire alarm(s), emergency lighting and exit sign(s). Forms FSI/314A and FS 251 should be submitted to demonstrate satisfactory implementation of fire safety measures; and
- (f) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for further information on the fulfilment of the approval conditions herein.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/396 Proposed Hotel in "Other Specified Uses" annotated "Business" zone,
Nos. 443-451 Castle Peak Road, Kwai Chung
(MPC Paper No.A/KC/396)

Presentation and Question Sessions

7. The Secretary reported that Ms. Julia Lau had declared interests in this item as Ms. Lau had current business dealings with Environ Hong Kong, which was part of the consultancy team for the application. Members noted that Ms. Lau had yet to arrive at meeting at this point.

[Mr. Dominic Lam arrived at the meeting at this point.]

8. Ms. Fannie F. L. Hung, STP/TWK informed the meeting that the Lot number and user restriction as mentioned in the description of lease on page one of the Paper should read

as “Lot 690A in DD 445” and the subject lot was restricted to “industrial and godown purposes”. She then proceeded to present the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applicant;
- (d) no public comment was received on the application during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Kwai Tsing), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper.

9. In response to a Member's query, Ms. Hung said that among the approved applications for wholesale conversion of existing industrial buildings into hotels in the area some had their building plans submitted or approved, but none of the hotel development had been completed.

Deliberation Session

10. Noting the same Member's concern on the progress of development of the approved applications for proposed wholesale conversion of industrial buildings to hotels in the area, the Chairman said that the Government’s policy on revitalisation of industrial buildings was only introduced in 2010, and it would take time for the developers to implement the approved schemes. He noted that conversion works had started in a recently approved case in Wong Chuk Hang. The Secretary supplemented that the package of measures under the revitalisation policy to facilitate redevelopment and to encourage wholesale conversion of industrial buildings came into operation in April 2010 and there

were some 40 plus approved cases of wholesale conversion of industrial buildings up to 2012. She pointed out that one of the criteria under the revitalisation policy was that, the developer had to complete the proposed conversion works within a specified time period.

11. 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 23.11.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the proposed development was subject to a maximum gross floor area (GFA) of 28,463.67m². Any floor space that was constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in the GFA calculation;
- (b) the design and provision of vehicular access, car park and loading/unloading layout to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of sewer connections from the application site to the nearest Government manhole to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development and the

proposed gross floor area exemption for back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;

- (b) to note the comments of District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that the applicant should apply to the LandsD for a modification/special waiver for the proposed wholesale conversion. The application would be considered by LandsD acting in its capacity as Landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions, including inter alia, payment of premium/waiver fees and administrative fee as might be approved by LandsD;
- (c) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department to appoint an Authorized Person to submit building plans for the proposed change in use/alteration works to demonstrate full compliance with the current provisions of the Buildings Ordinance;
- (d) to note the comments of Director of Fire Services that the arrangement of emergency vehicular access should comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which was administered by Buildings Department;
- (e) to note the comments of Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department that as the building was originally approved by the Building Authority (BA) for non-domestic use, the applicant should submit documentary evidence showing that the BA had granted prior approval for the proposed use when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO). The proposed licence area should be physically connected and the siting of the proposal was considered acceptable from licensing point of view. The fire service installations provisions should comply with Para. 4.28 of Codes of Practice for Minimum Fire Services Installations and Equipment. The licensing requirements would be

formulated after inspections by the Building Safety Unit and Fire Safety Team of his office upon receipt of a licence application under HAGAO; and

- (f) to note the comments of Chief Town Planner Planner/Urban Design and Landscape, Planning Department to improve the landscape quality of the area by maximizing the greening opportunity within available space of the application site upon conversion of the building and to explore the possibility of providing podium gardens at the flat roof areas on the upper ground floor and 20/F.

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

Hong Kong District

Agenda Item 5

Section 16 Application

[Open Meeting]

A/H11/103 Proposed Minor Relaxation of Plot Ratio Restriction in “Residential (Group B)” zone, 23 Babington Path, Mid-Levels West
(MPC Paper No.A/H11/103)

13. The Secretary reported that Mr. Patrick Lau and Mr. Lawrence Li declared interests in this item as Mr. Lau had current business dealings with LD Asia, which was the consultant for the application and Mr. Li's company owned a flat at Seymour Road. As the case was for deferral, Members agreed that Mr. Lau and Mr. Li could stay in the meeting.

14. The Secretary also reported that on 13.11.2012, the applicant requested the Board to defer making a decision on the application for one month in order to allow time to prepare further information in response to comments from relevant government departments.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/H7/161 Shop and Services (Motor-vehicle Showroom) in “Residential (Group C) 2” zone, Basement, No. 63 Blue Pool Road, Happy Valley
(MPC Paper No. A/H7/161)

16. The Secretary reported that the application was submitted by MF Jebesen Properties Ltd. with Ove Arup & Partners Hong Kong Ltd (Ove Arup) as its consultant. The following Members had declared interests in this item:

Prof. S. C. Wong (the Vice-Chairman)	-	As traffic consultant of Ove Arup, which was the consultant of the application, and being the Director of the Institute of Transport Studies of which some activities of the Institute were sponsored by Ove Arup
Mr. Patrick Lau]	having current business dealings with Ove Arup
Mr. Dominic Lam]	

17. As the case was for deferral, Members agreed that Prof. Wong, Mr. Lau and Mr. Lam could stay in the meeting.

18. The Secretary also reported that on 16.11.2012, the applicant requested the Board to defer making a decision on the application for two months to allow the applicant to address department comments.

19. 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 7

Section 12A Application

[Open Meeting]

Y/K11/3 Application for Amendment to the Approved Tsz Wan Shan, Diamond Hill & San Po Kong Outline Zoning Plan No. S/K11/25 from “Open Space” to “Other Specified Uses” annotated “Holistic Centre for Youth Development with Performance Venue and Hostel”, Government Land at King Fuk Street, Sam Chuk Street and Tsat Po Street, San Po Kong
(MPC Paper No.Y/K11/3)

[Mr. Clarence Leung arrived at the meeting at this point.]

20. The Secretary reported that the application was submitted by Tung Wah Group of Hospitals with Ove Arup & Partners Hong Kong Ltd (Ove Arup) as member of the consultancy team for the application. The following Members had declared interest in this item:

Ms. Bonnie Chan	-	whose father was a Member of Tung Wah Group of Hospital's Advisory Board
Prof. S. C. Wong (the Vice-Chairman)	-	As traffic consultant of Ove Arup and being the Director of the Institute of Transport Studies of which some activities of the Institute were sponsored by Ove Arup & Partners Hong Kong Ltd
Mr. Dominic Lam]	Had current business dealings with Ove Arup & Partners Hong Kong Ltd.
Mr. Patrick Lau]	

21. As the case was for deferral, Members agreed that Prof. Wong, Mr. Lam and Mr. Lau could stay in the meeting. Members also noted that Ms. Chan had tendered her apologies for not being able to attend the meeting.

22. The Secretary also reported that on 5.11.2012, the applicant requested the Board to defer making a decision on the application for three months in order to allow more time for the applicant to address the concern raised by relevant government departments.

23. 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 maximum period of three 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. Richard Y.L. Siu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/211 Proposed Flat (Public Housing Development) in “Residential (Group E)” zone, Ex-San Po Kong Flatted Factory Site, San Po Kong, Wong Tai Sin (MPC Paper No.A/K11/211)

Presentation and Question Sessions

24. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared interests in this item:

- | | | |
|--|---|---|
| Mr. Jimmy Leung
(the Chairman)
as the Director of Planning | - | Being a member of the Strategic Planning Committee and Building Committee of HKHA |
| Ms. Doris Chow
as the Assistant Director of the Lands Department | - | Being an assistant to the Director of Lands who was a member of the HKHA |
| Mr. Frankie Chou
as the Chief Engineer of the Home Affairs Department | - | Being a chief engineer of the Home Affairs Department, of which its Director was a member of the SPC and Subsidised Housing Committee of HKHA |
| Ms Julia Lau | - | Being a member of the HKHA and a member of the Commercial Properties Committee and Tender Committee of HKHA, and had current business dealings with MVA Hong Kong Ltd and Environ Hong Kong Ltd., which were part of the consultancy team for |

the application

Mr. Dominic Lam - Had current business dealings with HKHA, as well as MVA Hong Kong Ltd. and Kenneth To & Associates Ltd., which were part of the consultancy team for the application

25. The Committee considered that the interests of the Chairman, Ms. Chow, Mr. Chou, Ms. Lau and Mr. Lam were direct and should leave the meeting temporarily for the item. Members noted that Ms. Lau had yet to arrive at the meeting. The Vice-Chairman took up the chairmanship of the meeting at this point.

26. The Secretary also reported that Mr. Patrick Lau had declared interest in this item as he had current business dealings with MVA Hong Kong Ltd. and Kenneth To & Associates Ltd, which were part of the consultancy team for the application. As Mr. Lau had no direct involvement in the application, Members agreed that he could stay in the meeting.

[The Chairman, Ms. Doris Chow, Mr. Frankie Chou and Mr. Dominic Lam left the meeting temporarily at this point.]

27. 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 flat (public housing development);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applicant;
- (d) six public comments from individuals were received during the first three weeks of the statutory publication period. The commenters objected to

the application on the grounds that there was a lack of private residential developments as well as large scale of greening and open space within the district; the application site could be used for other uses such as hotels and offices; and there were concerns on the potential environmental impacts caused by the future roads serving Kai Tak Development including traffic noise, lighting and air quality problems. One commenter proposed to swap the proposed Public Rental Housing (PRH) site with the site at the junction of Tsat Po Street and Sam Chuk Street which was currently zoned “Open Space”; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. Regarding the public comments received, it was considered that the proposed development was in line with the planning intention to encourage the phasing out of industrial use through redevelopment for residential use. The proposed PRH development was to meet the acute demand for public housing in urban areas. As regards the environmental concern, it was noted that the applicant had conducted environmental assessment study and proposed a series of mitigation measures. In this connection, Director of Environmental Protection had no objection to the application. District Officer (Wong Tai Sin), Home Affairs Department advised that the proposal was supported by the Wong Tai Sin District Council (WTSDC).

28. In response to a Member's question, Mr. Siu said that the 1.5m wide "non-building area" (NBA) to the south of the subject site along Prince Edward Road East and a 3m-wide NBA to the north along King Fuk Street were provided in accordance with the OZP requirements for air ventilation purposes. Parking spaces would be provided at the ground floor as well as the open areas of the proposed development.

29. A Member asked whether the plot ratio (PR) and building height for the proposed public housing could be further increased, given the need to increase housing supply. In response, Mr. Siu said that the PR of 6 and the building height restriction of 100mPD for the subject "R(E)" site were requirements stipulated under the OZP. The proposed public

housing development had complied with the maximum development restrictions as stipulated under the OZP and was considered acceptable.

30. In reply to a Member's question on the proposed installation of acoustic windows, Mr. Siu, by making reference to Drawing A-6 of the Paper, said that acoustic windows, which was a new design for noise mitigation measure adopted for public housing development would be installed in residential units facing Prince Edward Road East. Housing Department (HD) had consulted the WTSDC on the proposed installation of the acoustic windows for the proposed development. Mr. Siu continued to say that HD had demonstrated to some DC Members on site the effect of the installation of acoustic windows and the proposed development was supported by the WTSDC.

31. Another Member asked whether a public commenter's proposal to swap the subject site with the site zoned "Open Space" ("O") at the junction of Tsat Po Street and Sam Chuk Street for public housing development was possible. In response, Mr. Siu said that the site zoned "O" was intended for the development of a district open space to serve the need of the community as well as to function as a buffer between the industrial uses in the core of the San Po Kong Business Area and the proposed residential development at the application site.

32. The same Member said that the residents of "The Latitude" had previously raised concerns on the noise nuisance and visual impact created by the surrounding uses and asked whether the applicant had taken the environmental concerns in the subject proposal. Mr. Siu replied that apart from the installation of acoustic windows, other noise mitigation measures including the setting back of the building blocks away from Prince Edward Road East and the paving of part of Prince Edward Road East abutting the application site by noise reduction surface, all of which would be able to efficiently reduce the noise impact. In addition, due attention to the disposition and orientation of the building blocks of the proposed development had been given. There was also no adverse visual impact as identified by visual impact assessment undertaken for the proposed development.

33. In response to another Member's query, Mr. Siu said that the first floor of the proposed development would accommodate a 20-place Supported Hostel for Mentally Handicapped Persons and a covered landscaped deck which was connected to the landscaped roof of Drainage Services Department to its south. The landscaped roof was also connected

to the street level by an elevator across to the adjacent district open space.

Deliberation Session

34. A Member supported the proposed development and appreciated the effort made in the design of the proposed development in mitigating the noise impact. Noting the good location of the application site, the Member asked whether there would be opportunity for adopting a higher plot ratio and building height restriction for the proposed development in order to increase flat supply. Another Member said that while a 3m wide NBA was required at the northern side of the site facing an open space, only 1.5m wide NBA was required at the southern side of the application site along Prince Edward Road East. The 1.5m NBA was considered inadequate to provide a good walking environment for the residents and suggested further improving the pedestrian connections and walking environment in the detailed design stage of the proposed development. Mr. Siu explained that the 1.5m wide NBA requirement was stipulated on the OZP for road widening purpose. He also pointed out that the building blocks of the proposed development were located further away from Prince Edward Road East so that the overall setback of building from the Road was more than the required setback under the OZP. He also further explained that the plot ratio 6 and building height restriction of 100mPD were stipulated on the OZP, after giving due consideration to the development intensity and building height profile of developments in the area. The Vice-Chairman supplemented that the application should be considered based on the terms submitted by the applicant and the applicant had indeed followed the OZP requirements.

35. After some discussion, Members supported the application and agreed that Members' views and suggestions on further improvement of the pedestrian connections and walking environment between the proposed public housing development and the surrounding area should be relayed to the applicant for consideration at the detailed design stage.

36. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.11.2016, 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 fire service installations and water supply for fire fighting

to the satisfaction of the Director of Fire Services or of the TPB; and

- (b) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of Chief Engineer/Development(2), Water Supplies Department (WSD) that
 - (i) the developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, Waterworks Reserve with 1.5m measuring from the centreline of the affected water mains should be provided to WSD; and
 - (ii) within the proposed waterworks reserves, no structure should be created over and such area should not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. No trees/ shrubs should be planted within the waterworks reserve. No change of the existing conditions should be undertaken without prior agreement of WSD.
- (b) to note the comments of Chief Engineer/Mainland South, Drainage Services Department (DSD) that as the existing San Po Kong Sewage Pumping Station (SPS) fell into area of the proposed development, Housing Department (HD) should ensure there should be no damage to the SPS and related facilities/ installations. HD should be fully responsible to rectify if there was any damage at San Po Kong SPS due to their construction works. HD should also be fully aware and taken into account all factors to

facilitate 24 hours non-stop operation of San Po Kong SPS by DSD during the construction stage.

- (c) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should set the green coverage target to 30% with at least half of it be provided at grade with priority for tree planting.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/283 Shop and Services (Fast Food Shop) in “Other Specified Uses” annotated “Business” zone, Portion of Workshop No. 2, Ground Floor, Metro Centre, 32 Lam Hing Street, Kowloon Bay
(MPC Paper No. A/K13/283)

[The Chairman, Ms. Doris Chow, Mr. Frankie Chou and Mr. Dominic Lam returned to the meeting and Ms. Julia Lau arrived at the meeting at this point.]

Presentation and Question Sessions

38. The Secretary reported that Ms. Bonnie Chan had declared interests on this item as she had current business dealings with Lawson, David & Sung Surveyors Ltd, which was the consultant for the application. Members noted that Ms. Chan had tendered her apologies for not being able to attend the meeting.

39. 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 shop and services (fast food shop)

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applicant;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Kwun Tong), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

40. Members had no question on the application.

Deliberation Session

41. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) provision of fire service installations in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 23.5.2013; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments of Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) to appoint an Authorized Person to submit building plans for the proposed change in use and / or alteration works to demonstrate compliance with the Buildings Ordinance (BO), in particular :
 - (i) the subject premises should 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 Code of Practice for Fire Safety in Buildings 2011; and

- (ii) access and facilities for the persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008;
- (b) to note the comments of CBS/K, BD that for unauthorized building works (UBW) erected on private land / building, enforcement action might be taken by the Building Authority to effect their removal in accordance with Building Department's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the application site under the Buildings Ordinance;
- (c) to note the comments of Director of Fire Services (DFS) to comply with the Code of Practice for Fire Safety in Buildings which was administered by Buildings Department; and
- (d) to note the comments of DFS to adhere to the "Guidance Note on Compliance with planning condition on provision of fire safety measures for commercial uses in industrial premises" and submit relevant documents to the TPB.

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

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K18/290 Proposed Temporary School (Kindergarten cum Child Care Centre) for a Period of 3 Years in “Residential (Group C) 1” zone, 2 & 4 Dorset Crescent, Kowloon Tong
(MPC Paper No.A/K18/290C)

43. The Secretary reported that the following Members had declared interest in this item:

- | | | |
|-----------------|---|---|
| Mr. Dominic Lam |] | Had current business dealings with MVA Hong Kong Ltd. and Kenneth |
| Mr. Patrick Lau |] | To & Associates Ltd., which were part of the consultancy team for the application |
| Ms. Julia Lau | - | Had current business dealings with Environ Hong Kong Ltd. and MVA Hong Kong Ltd., which were part of the consultancy team for the application |

44. As the case was for deferral, Members agreed that Mr. Lam, Mr. Lau and Ms. Lau could stay in the meeting.

45. The Secretary also reported that on 9.11.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for the preparation of supplementary information in response to departmental comments. The applicant stated that they had tried their best to address most of the comments raised by concerned departments and they needed more time to prepare further information to address comments from Transport Department and the Hong Kong Police Force. The Secretary said

that although this was the fourth request for deferment, the applicant had made considerable efforts to address departmental comments and submitted further information each time after deferments.

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

Agenda Item 11

Any Other Business

47. There being no other business, the meeting closed at 10:05 a.m..