

TOWN PLANNING BOARD

Minutes of 490th Meeting of the Metro Planning Committee held at 9:00 a.m. on 7.6.2013

Present

Director of Planning
Mr. K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Ms. Bonnie J.Y. Chan

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Dominic K.K. Lam

Mr. Stephen H.B. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. 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 Y.K. Wong

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

Deputy Director of Planning/District
Mr. Wilson Y.L. So

Secretary

Absent with Apologies

Professor P.P. Ho

Mr. Maurice W.M. Lee

Professor Eddie C.M. Hui

Mr. Laurence L.J. Li

Mr. Patrick H.T. Lau

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. K.K. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 489th MPC Meeting held on 24.5.2013

[Open Meeting]

1. The draft minutes of the 489th MPC meeting held on 24.5.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Kowloon District

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

Agenda Item 3

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, Kowloon
(MPC Paper No. Y/K11/3B)

3. The Secretary reported that the application was submitted by the Tung Wah Group of Hospitals with Urbanage International Ltd. and Ove Arup & Partners Hong Kong Ltd. being two of the consultants of the applicant. The following Members had declared interests in this item :

Ms. Bonnie J.Y. Chan – her family member was a member of the Advisory Board of the Tung Wah Group of Hospitals

Professor S.C. Wong – had current business dealings with Ove Arup. He was also the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup had sponsored some activities of the Institute

Mr. Dominic K.K. Lam – knew the management of Urbanage and had current business dealings with Ove Arup

Mr. Patrick H.T. Lau – had current business dealings with Ove Arup

Mr. Stephen H.B. Yau – was the employer of the spouse of Mr. Yiu Tze Leung, one of the representatives of the applicant

4. The Committee noted that Mr. Lau had tendered apology for being unable to attend the meeting. As Professor Wong and Mr. Lam had no direct involvement in this application, the Committee agreed that they could stay in the meeting. As Mr. Yau declared that his interest in this application was indirect, the Committee agreed that he could also stay in the meeting. As the interest of Ms. Chan was direct, the Committee agreed that she should leave the meeting temporarily during the discussion and deliberation of this item.

[Ms. Bonnie J.Y. Chan left the meeting temporarily at this point.]

5. The Secretary said that a letter from the Director of Home Affairs (DHA) received by the Secretariat of the Board on 6.6.2013 was tabled at the meeting. The representative of the Planning Department (PlanD) would be invited to brief Members on the content of this letter.

Presentation and Question Sessions

6. Mr. Richard Y.L. Siu, Senior Town Planner/Kowloon (STP/K), and the following representatives of the applicant were invited to the meeting at this point :

Mr. Yiu Tze Leung
Ms. Wong Fung Yee
Ms. Sin Chui Shan Tammy
Ms. Lau Yuen Ping
Ms. Pong Yuen Yee

The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Richard Siu, STP/K, to brief Members on the background of the application.

7. Mr. Richard Y.L. Siu, STP/K, said that the letter from DHA received on 6.6.2013, while expressing comments on the recommendation of partial agreement to the application in the Paper, was mainly to reiterate that the proposal from the applicant (i.e. the Tung Wah Group of Hospitals) would provide a sizable green roof and open deck for public enjoyment and had already taken into account the current planning intention of the site by providing adequate public open space; and the proposal had gained strong support from the Wong Tai Sin District Council (WTSDC) and local organizations.

8. Mr. Richard Siu then presented the application with the aid of a PowerPoint and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the applicant proposed to amend the approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/25 by rezoning the application site from “Open Space” (“O”) to “Other Specified Uses” annotated “Holistic Centre for Youth Development with Performance Venue and Hostel” (“OU(Holistic Centre)”) for the proposed holistic centre for youth development with performance venue and hostel;

- (b) the site was located in the central part of the San Po Kong Business Area (SPKBA). It was bounded by Tsat Po Street, King Fuk Street and Sam Chuk Street and currently used for temporary car park. To the east of the site was Kai Tak East Playground and Sports Centre and to the southeast was a site for proposed public rental housing (PRH) development;
- (c) the proposed holistic centre was a 4-storey development of about 10,000 m² in gross floor area comprising a youth development centre with social enterprises (i.e. a café and a gift shop), a youth hostel providing 30 rooms for participants of local training camps and exchange programmes and a performance venue with a seating capacity of 800 persons. About one-third of the site area would be designed as soft landscaping area for public enjoyment;
- (d) a schedule of Column 1 and 2 uses proposed for the “OU (Holistic Centre)” zone by the applicant was in paragraph 1.6 of the Paper. Uses such as ‘Eating Place’, ‘Place of Entertainment’, ‘Residential Institution’ and ‘Shop and Services’ were proposed as Column 1 uses which were always permitted;
- (e) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

Departmental Comments

- (f) the departmental comments were detailed in paragraph 9 of the Paper. Government departments consulted, including the Director of Leisure and Cultural Services (DLCS), the Commissioner for Transport and the Director of Environmental Protection (DEP), generally had no adverse comment on the application;
- (g) the District Lands Officer/Kowloon East, Lands Department commented that if the application was approved by the Town Planning Board (the Board) and the development proposal was to be implemented, the applicant

had to apply for the grant of land by way of private treaty, which would require the policy support from the relevant policy bureau before the land grant application would be considered;

- (h) the Secretary for Home Affairs (SHA) indicated that the proposed project had their policy support from the perspective of furthering youth development provided that the applicant could secure sufficient resources for the development and ensure the sustainability of the project;
- (i) the Director of Social Welfare commented that the proposed activities of the holistic centre might have synergy with their existing welfare services units in particular young people services units. He had no in-principle objection to the proposal from social welfare perspective on the condition that the applicant should implement the project without incurring both capital and recurrent costs to the Social Welfare Department;
- (j) the District Officer (Wong Tai Sin) (DO(WTS)) was in full support to the proposed rezoning to facilitate the development of the proposed holistic youth centre in Wong Tai Sin (WTS). He commented that WTS district had a dire need for a venue that could provide for youth development/engagement; the WTSDC and the community saw the need for the centre instead of the originally planned 11-a-side football pitch, and WTSDC pledged its unanimous support to the centre; WTSDC also formed a working group specifically to monitor the progress of the project; the local organizations including WTS School Liaison Committee, WTS Southwest Area Committee and the Incorporated Owners of Rhythm Garden which was adjacent to the site were all in full support of the centre and wished that the applicant could proceed and implement the proposal as soon as possible;

Public Comments

- (k) three public comments were received during the first three weeks of the statutory publication period of the application. There were concerns on

the potential nuisance caused by the outdoor activities of the proposed development. The commenters suggested that facilities such as jogging trail and libraries should be provided in the development. One commenter proposed to swap the proposed holistic centre with the PRH site at the ex-San Po Kong Flatted Factory (ex-SPKFF) site, which was currently zoned “Residential (Group E)” (“R(E)”);

- (l) ten public comments were received during the first three weeks of the statutory publication period of the further information received on 12.12.2012 (Appendix Ic of the Paper). As the site was currently used for temporary car parking spaces, the commenters had concern on the parking provision if the site was used for the proposed holistic centre and they proposed that the site should be used for a multi-storey car parking building or a basement car park should be provided at the site;
- (m) one public comment was received during the first three weeks of the statutory publication period of the further information received on 20.3.2013 and 21.3.2013 (Appendix Ig of the Paper). The commenter objected to the application on the grounds that the proposed amendment would affect the recommendations of the consultancy study on the review of land use of the ex-SPKFF sites conducted by the Housing Department (HD) and would set an undesirable precedent. The proposed development would have adverse impacts on air ventilation and lead to pollution problems. The commenter was also concerned whether the proposed holistic centre would be underutilized;

PlanD's Views

- (n) PlanD partially agreed to the application for rezoning the site from “O” to an appropriate zoning to facilitate the proposed development, but considered that the zoning boundary of the site and the adjacent areas including the remaining area of the “O” site and the closed section of King Fuk Street, the building height restriction, Column 1 and Column 2 uses and the Remarks of the Notes to be incorporated would need to be further

reviewed, based on the assessments made in paragraph 11 of the Paper, which were summarized as follows :

Planning Intention

- (i) the site was recommended for development of a district open space for serving as a buffer between the SPKBA and the “R(E)” zone at Prince Edward Road East in HD’s consultancy study to review the land use of the ex-SPKFF sites. Open spaces were important spatial and visual reliefs as well as ventilation pockets that were much needed in the congested urban environment. Such application for amending the “O” zoning should be supported with strong justifications;

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

Open Space Provision in the Area

- (ii) there was sufficient open space provision in the district, with a number of existing and planned district and local open spaces in close proximity to the site within the San Po Kong area. The proposed rezoning would not affect the open space provision and DLCS had no objection to the rezoning application;

Site Selection

- (iii) a number of alternative sites were previously identified for consideration of the applicant, including the school site of Chi Tak Public School, a government, institution or community (GIC) site at Po Kong Village Road and a site within the “Comprehensive Development Area” in Diamond Hill, but they were not selected for reasons of small site area, late site availability, competing uses and accessibility problem. The application site was an acceptable site that could facilitate early implementation of the proposed holistic

centre;

Policy Support

- (iv) SHA gave policy support to the proposed project from the perspective of furthering youth development provided that the applicant could secure sufficient resources for the development and ensure the sustainability of the project. The applicant indicated that sufficient resource had been secured for the proposed holistic centre;

Benefit to and Support from the Local Community

- (v) DO(WTS) advised that the proposed holistic centre was much needed in WTS district for offering facilities and programmes for youth development/engagement, and the WTSDC and local organizations were in full support of the proposal. The proposed multi-function entrance plaza of the site could be used for holding community events and for the enjoyment of the local people;

Technical Aspects

- (vi) as advised by the relevant departments, the proposed holistic centre would not have significant adverse impacts on the local traffic, air ventilation, environmental quality, sewerage and infrastructure provisions. The development would be equipped with central air-conditioning system to address the interface issue with the industrial area. The applicant also indicated that the development would be designed to make way for the interface with the Kai Tak North Apron Stage 3 works;

The Proposed "OU(Holistic Centre)" Zoning

- (vii) the applicant proposed to put 'Eating Place', 'Shops and Services', 'Place of Entertainment' and 'Residential Institution' uses under

Column 1 of the proposed “OU(Holistic Centre)” zone. However, as the proposal was for the development of a centre for youth services, ‘Eating Place’, ‘Shop and Services’ and ‘Place of Entertainment’ uses, being commercial in nature, should require planning permission. It was also prudent to require planning permission for ‘Residential Institution’ use to ensure the inclusion of suitable mitigation measures for addressing the environmental nuisance caused by the adjacent industrial developments. The concern of the Buildings Department on the mixing of the performance and exhibition venues with the youth hostel could also be addressed through the planning application mechanism requiring the submission of more detailed development scheme;

- (viii) PlanD would review and recommend appropriate zoning amendments to the OZP for consideration of the Committee, including building height restriction, Column 1 and Column 2 uses and Remarks of the Notes. As there would be improvement work to the road network surrounding the site in association with the Kai Tak Development, the zoning boundary of the site and the adjacent areas including the remaining area of the “O” site and the closed section of King Fuk Street might be subject to further revision;

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

Public Comments

- (ix) whilst there were concerns on the potential nuisance caused by the outdoor activities of the proposed development, the applicant would be required to observe the “Noise Control Guidelines for Holding Open Air Entertainment Activities” to minimize the possible impacts on the neighbourhood. Some commenters proposed to have additional facilities such as libraries and jogging trail on the site, but there was already surplus provision of libraries in WTS district and jogging trail and similar facilities were available at the open space

along Po Kong Village Road. As regards the proposal of swapping the PRH site at the “R(E)” zone with the site, it would give rise to residential/industrial interface problem and affect the scheduled public housing development programme. Regarding the concerns on the parking provision, the planned use of the site was not for car parking and sufficient car parking provision for the proposed development would be provided within the site. Alternative sites could be identified if temporary car parks were required.

9. The Chairman then invited the applicant’s representatives to elaborate on the application. Ms. Pong Yuen Yee made the following main points with the aid of a PowerPoint :

- (a) the site was surrounded by “Other Specified Uses” annotated “Business” (“OU(B)”) zones on its three sides with building height restrictions of 100mPD to 120mPD. Existing and planned residential developments were found to the east and southeast of the site. Most part of the proposed holistic centre would be below 15m in height, which would serve as a visual relief for the surrounding high-rise developments;
- (b) the design concept of the proposed development was to minimize building footprint and maximize open area for public enjoyment. The site coverage would be about 51% (or 5,151 m²). There would be about 3,530 m² of soft landscaping areas with 2,063 m² at ground level and 1,467 m² on the roof top;
- (c) there would be building setbacks of 15m and 16m at Tsat Po Street and King Fuk Street respectively for enhancing air ventilation and minimizing visual impact; and
- (d) the development could be accessible from Tsat Po Street and King Fuk Street. The proposed holistic centre could serve a dual purpose of being a venue for youth development and providing open space at the entrance plaza and the roof for public enjoyment.

10. Mr. Yiu Tze Leung went go and made the following main points :
- (a) the proposed holistic centre aimed to provide a balanced learning and development experience for young people in various fields including moral, knowledge, physical training, social skills and arts with the ultimate goals of promoting serving spirit, international perspective, leadership, creativity, cultural and arts development for the youth. It would become a hub for youth international exchange, a territory-wide youth development centre, a community-accessible art/cultural and green facility as well as a new identity in WTS district/East Kowloon;
 - (b) some facilities were specifically proposed within the centre to meet the needs of certain target groups, including a small café and souvenir shop to be operated as social enterprise for delivering on-the-job training to the youth, a barrier-free performance theatre for people with disabilities, and a hostel providing affordable accommodation for participants of local training camps, overseas/national exchange programmes and local/overseas junior performance troupes. Moreover, a sizable green open space within the site would be dedicated for the use of the community;
 - (c) extensive local consultations had been carried out with various stakeholders including WTSDC, WTS Southwest Area Committee, WTS School Liaison Committee, Rhythm Garden Owner's Committee, East Kowloon Youth Society, WTS Outstanding Students Association, WTS Youth Development Association, WTS local youth groups and student representatives of secondary schools. The proposal had gained favourable support;
 - (d) the proposed centre would be managed by Tung Wah staff with the support of youth members and volunteers in the form of community partnership. A Management Advisory Committee would be formed by the youth representatives, community leaders and government officials to ensure that the functions of the centre could meet the youth needs. To optimize the utilization of the facilities, the Tung Wah Youth Development Centre

would organize a spectrum of programmes on her own, or in collaboration with overseas and local organizations. The facilities would allow shared use with the community partners; and

- (e) as regards the financial arrangement, the proposed centre would be operated in a self-financed mode. Nevertheless, the facilities would be rented at affordable rates to the non-profit-making user groups. As the development proposal had already gained support from prospective sponsors, it would be operated in a sustainable way.

11. A Member asked the applicant's representatives why they would choose the subject "O" site for their proposed holistic centre for youth development noting that the Youth Square at Chai Wan was providing similar services and facilities to the youth. This Member asked whether the concept and operation of the proposed holistic centre could be incorporated in the existing Youth Square so that the subject "O" site could be maintained for open space use. This Member also asked if the proposed open space within the site such as the green roof would be opened for public use in future.

12. In response, Ms. Pong Yuen Yee said that the proposed holistic centre was aimed to serve mainly the less well-off young people living in subsidized housing in East Kowloon so that they could enjoy the trainings and activities provided by the centre at affordable fees. As the subject "O" site had already been formed, it could allow early implementation of the proposed centre as the applicant had already secured financial support from prospective sponsors. It was noted that the provision of open space in the district was adequate, and the applicant had therefore selected the subject "O" site for the proposed development. Mr. Yiu Tze Leung supplemented that the Youth Square at Chai Wan was currently operated and managed by a commercial organization. Its location at Chai Wan was considered remote and not convenient for the young people. As the space provided in the Youth Square was large and it was commercially operated, there was little scope for the operator to substantially reduce the rental of its facilities to an affordable level for young people and certain organizations. For the proposed holistic centre, the applicant would engage non-governmental organizations (NGOs) and local community groups to operate the centre and that would encourage the participation of the youth groups. As regards the proposed open space within the site, Ms. Pong Yuen Yee said that it would be opened for public use in

future.

13. Mr. Richard Siu said that several alternative sites for the proposed holistic centre had been identified for consideration by the applicant, including the school site of Chi Tak Public School at Tung Tau Estate and a GIC site at Po Kong Village Road. However, the applicant considered the alternative sites not suitable as they were either too small or the site availability time was not certain.

14. A Member asked about the policy support from SHA on the project and why the Tung Wah Group of Hospitals would be supported to carry out the project but not other organizations. This Member also asked if the proposed holistic centre could be regarded as 'Social Welfare Facility' use which was a Column 1 use under "Government, Institution or Community" ("G/IC") zone and whether a planning brief should first be prepared for the site before identifying an operator for the proposed development. This Member also sought the applicant's clarification on the proposed financial arrangement in the implementation and operation of the project and asked whether public money would be required in the long term. The Chairman said that the consideration of the subject application should focus on the land use proposal itself and the implementation agent of the project should not be a planning consideration. In response, Mr. Frankie W.P. Chou said he was representing DHA but not SHA and therefore could not elaborate on the policy support from SHA. According to paragraph 9.1.2 of the Paper, he noted that SHA's policy support was from the perspective of furthering youth development.

15. In response to the Chairman's enquiry on the traffic arrangements, Mr. Richard Siu said that the existing Diamond Hill MTR Station and the future Diamond Hill Station of the Shatin-Central Link were not far away from the site. There was a public transport interchange to the northeast of the site at Choi Hung Road. Moreover, a subway would be built on the eastern side of the site to connect San Po Kong with the Kai Tak Development Area, and the lift shaft of the subway and its maintenance access would have interface with the site. The section of King Fuk Street outside the PRH site of HD would also be closed in future. As there would be improvement works to the road network surrounding the site and interface issue in association with the Kai Tak Development, the zoning boundary of the application site and the adjacent area would need to be reviewed taking into account the future road alignments.

16. In response to a Member's earlier enquiry, Mr. Richard Siu said that youth centre was regarded as a 'Social Welfare Facility' use. Other types of 'Social Welfare Facility' included home for the elderly, elderly centre and child care centre, etc. 'Social Welfare Facility' was a Column 1 use under "G/IC" zone. However, the proposed holistic centre included not only a youth centre but other facilities. The applicant had proposed to put 'Social Welfare Facility', 'Eating Place', 'Shops and Services', 'Place of Entertainment' and 'Residential Institution' as Column 1 uses under the proposed "OU(Holistic Centre)" zone.

17. In response to the Vice-chairman's enquiry on how the provision of open space could be ensured in the future development, Mr. Richard Siu said that the requirement on provision of public open space could be ensured through a section 16 application or specified in the Notes of the future zoning of the site. As regards the management of the proposed open space within the site, Mr. Yiu Tze Leung said that they had exchanged views with WTSDC about the future management of the open space. They would consult the local residents and the WTSDC members about the appropriate opening hours and regulations on the use of the open space.

18. In response to the Chairman's enquiry, Mr. Richard Siu said that the strip of land at Sam Chuk Street to the west of the site would be retained as an "O" site for public open space development and DLCS had no objection to such an arrangement. The parking spaces marked on this strip of land on Drawing Z-1 of the Paper were only temporary use.

19. A Member noted that there was a surplus in the provision of open space in WTS district and asked if an overall review of the "O" sites in the district could be conducted with a view to identifying suitable sites for housing development or business use. Noting that the site was currently used as a temporary car park, this Member asked if the parking spaces could be re-provisioned within the application site in the form of underground car park in order to enable a more efficient use of the land resource. In response, the Chairman said that the provision standard specified in the Hong Kong Planning Standards and Guidelines was only a minimum requirement. PlanD had been exploring the opportunity for rezoning "O" and undesignated "G/IC" sites at suitable locations for residential use but the subject site was not identified as suitable for housing development. Mr. Richard Siu supplemented that in HD's consultancy study conducted in 2006 to review the land use of the ex-SPKFF sites, the subject site was recommended for development of a district open space whilst the current

“R(E)” site at Prince Edward Road East was recommended for public housing development. Although there was public comment suggesting to swap the subject site with the “R(E)” site for public housing development, that was not a desirable arrangement in view of the anticipated residential/industrial interface problem. The proposed holistic centre at the site could serve as a buffer between the residential and industrial/business developments while at the same time provide an activity space for the nearby residents and workers.

20. In response to a Member’s enquiry, Mr. Richard Siu said that the SPKBA was undergoing transformation into a more office-oriented area intermingled with approved hotel proposals. However, there were still buildings/premises used for industrial and storage purposes within the area.

21. As the applicant’s representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would 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 representative for attending the hearing. They all left the meeting at this point.

Deliberation Session

22. The Chairman said that the consideration of this application should focus on the nature of the proposed land use zoning, instead of how the site would be disposed of by the Government which was not a planning issue.

23. A Member indicated support to the proposed development as it could benefit the community and considered that the proposed holistic centre with provision of open space for public enjoyment would be much better than the provision of a conventional open space on the site.

24. Two other Members also supported the proposal as the holistic centre would provide service for the youth and there was support from the locals as well as SHA.

25. Another Member supported the proposal but was concerned about the accessibility to the proposed public open space. The Chairman said that the requirement on

the provision of public open space could be stipulated in the Notes for the future zoning of the site and, if considered necessary, the applicant could be required to submit planning application for the proposed development so that its design including the open space provision could be further considered by the Committee.

26. Given the planning intention of the current “O” zone, Members generally agreed that there would be a need to consider the design of the open space to be opened for public use if the project would be allowed to proceed.

27. A Member said that the San Po Kong area would require the provision of open space but it might not be limited to passive use. The proposed youth centre would provide venue for different types of activities, and together with the open space, it could add vibrancy to the area and make a better use of the site. The Chairman concurred that as revealed from the initiatives of Energizing Kowloon East, open space which was near to the economic activity centres could be better made use of as an activity node.

28. The Vice-chairman considered that the proposed “OU” zoning for the site might be too specific and rigid, in particular if the holistic centre could not be implemented as proposed. It might be worthwhile to consider designating a tailor-made “G/IC” zoning for the site which could facilitate the development of the proposed holistic centre while at the same time allow flexibility in the future use of the site.

29. A Member said that the subject “O” site which was a large site located in the urban area close to the Kai Tak Development Area was a very precious land resource. The Committee should be prudent in considering the rezoning application, in particular when alternative sites in the less prime locations within the district were available. This Member had reservation on the application.

30. Another Member also had reservation on the application and considered that the use of the subject “O” site for the proposed holistic centre might not be the best option. This Member opined that the policy support from SHA was not clear as to whether the support was given to the proposed development at the site or to the institution. In view of the under-utilization of the Youth Square at Chai Wan, it was doubtful whether the proposed facilities for the youth could meet the needs of the community. As the site was located in an

area undergoing transformation, the designation of the site for the proposed holistic centre would limit the flexibility on the future planning of the area. Moreover, the problems regarding the provision of public open space in private developments should be avoided.

31. Mr. Frankie W.P. Chou reiterated the support of SHA and DHA on the proposal and said that the applicant had designated ample open space in the holistic centre for use by the public. Comparing with LCSD's original proposal of providing an 11-a-side football pitch at the site without a concrete development programme, the proposed holistic centre would enable an early utilization of the site as an enhanced public space. As regards Members' concerns on the provision of public open space in the project, Mr. Chou suggested that PlanD could stipulate appropriate requirements in the Notes of the OZP to address the concerns.

32. The Chairman concluded that the application site was zoned "O" in 2008 after a prudent planning process. It was intended to provide an open space amidst a high-density built-up area and also a buffer between its surrounding residential and business/industrial uses. The current proposal from the applicant was still a public use on the site. The proposed development was low-rise, a large area of open space would be provided for public enjoyment and there was a high degree of greening. Members generally considered that the provision of a vibrant facility at the site would be more desirable than a conventional passive open space. There were also suggestions to allow flexibility in the proposed zoning rather than just adopting the "OU(Holistic Centre)" zone as proposed by the applicant. The Chairman suggested that should Members agree to rezone the site to facilitate the development of the proposed holistic centre, PlanD could be asked to take into account Members' concerns and work out an appropriate zoning with suitable development control mechanism for the site. A "G/IC" zoning or a sub-zone of "G/IC", as the Vice-chairman had suggested, could be further examined. The requirement for submission of planning application to maintain planning control on the detailed design of the future development should also be considered by PlanD noting Members' concerns on the content of the development and the provision of open space.

33. After deliberation, the Committee decided to partially agree to the application by rezoning the application site from "O" to an appropriate zoning to cater for the proposed development. The proposed amendments to the approved Tsz Wan Shan, Diamond Hill and

San Po Kong OZP No. S/K11/25 would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP for amendment by the Chief Executive in Council.

[The meeting was adjourned for a break of 5 minutes.]

[Ms. Bonnie J.Y. Chan returned to the meeting at this point.]

Tsuen Wan and West Kowloon District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/549 Proposed Hotel and Minor Relaxation of Plot Ratio Restriction in
“Residential (Group A)” zone, Acesite Hotel, Nos. 106-108 Soy
Street, Mong Kok, Kowloon
(MPC Paper No. A/K3/549)

Presentation and Question Sessions

34. Mr. Tom C.K. Yip, 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 proposed hotel and minor relaxation of plot ratio restriction - for amendment to the internal layout of the existing hotel to increase the total number of guestrooms from 40 to 49;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper.

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.6.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of the Fire Services or of the TPB.

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

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

- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the applicant was required to appoint an Authorized Person to submit building (alterations and additions) plans to demonstrate compliance with the Buildings Ordinance for the proposed works including :
 - (i) compliance with Building (Planning) Regulations (B(P)R) 20 and 21 in respect of the proposal. The application for hotel concession including any exemption of back-of-house areas from GFA calculation under B(P)R 23A would be considered upon formal submission of building plans subject to compliance with the criteria under PNAP APP-40 and favourable comments from concerned departments; and
 - (ii) provision of natural lighting and ventilation to the guestrooms in accordance with B(P)R 30, 31 and 32;
- (c) to note the comments of the Commissioner for Transport that he had the rights to impose, alter or cancel any parking, loading/unloading facilities and/or any no-stopping restrictions on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the proposed development; and
- (d) to note the comments of the Chief Officer/Licensing Authority, Home Affairs Department that:
 - (i) the applicant should submit a copy of the occupation permit or acknowledge letter on completion of the proposed addition and alteration works issued by the Building Authority when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
 - (ii) the licensed area in one application should be physically connected;

- (iii) the Code of Practice for Minimum Fire Services Installations and Equipment should be observed on the provision of fire service installation for the proposed guesthouse; and
- (iv) the licensing requirements would be formulated after inspections by his Building Safety Unit and Fire Safety Unit upon receipt of a licence application under HAGAO.

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

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K5/731 Proposed Hotel (Guesthouse) in "Residential (Group A) 6" zone,
Nos. 307 - 309 Lai Chi Kok Road, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K5/731)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel (guesthouse);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or

adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period. During the first three weeks of the statutory publication period of the further information on the application regarding the applicant's submission of a traffic impact assessment report, one public comment was received from Designing Hong Kong Limited raising objection to the application for reasons that hotel development was not in line with the "Residential (Group A)" ("R(A)") zoning which was primarily for residential use and approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer (Sham Shui Po);

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper. While the proposed hotel development was not incompatible with the land uses in the vicinity, the prevailing shortage of land for housing development should be an important factor in considering the application. Given the current shortfall in housing supply, residential sites should be developed for its zoned use unless the site was very conducive for hotel development, or development for hotel would meet a specific planning objective. It did not appear that the proposed hotel conversion had any particular planning merit. Moreover, the site was zoned "R(A)", which was intended primarily for high-density residential development. The proposed hotel development would result in reduction of sites available for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory.

39. A Member asked why this application was not supported by PlanD noting that similar hotel applications in residential areas had previously been approved and concerned departments had no objection to the application. In response, the Chairman said that in a recent meeting of the Committee, Members had a thorough discussion and agreed that, in view of the current shortage of housing land in meeting the pressing housing demand of the community, applications for non-residential uses including hotel and office in a predominant

residential area without any particular planning merit would in general not be supported. The recommendation of PlanD of not supporting the application had taken into account the latest planning consideration of the Committee, despite that the subject hotel proposal had no insurmountable technical problems.

Deliberation Session

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

- (a) the application site was located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory; and
- (b) there were no planning merits to justify the proposed hotel (guesthouse) development.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/K5/734 Proposed Hotel (Conversion of Existing Building) in "Other Specified Uses" annotated "Business (1)" zone, 42A Wing Hong Street, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K5/734)

41. The Secretary reported that Mr. Dominic K.K. Lam had declared an interest in this item as he had current business dealings with Raymond Chan Surveyors Ltd., the consultant of the applicant. As the item was for deferral of consideration of the application, the Committee agreed that Mr. Lam could stay in the meeting.

42. The Secretary also reported that on 3.6.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for addressing the comments of the Buildings Department on the application.

43. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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.

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

Agenda Items 7 and 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/401 Shop and Services in “Industrial” zone, Unit B4 on G/F, Mai Wah
Industrial Building, 1-7 Wah Sing Street, Kwai Chung, New Territories
(MPC Paper No. A/KC/401)

A/KC/402 Shop and Services in “Industrial” zone, Unit B1, G/F, Mai Wah
Industrial Building, 1-7 Wah Sing Street, Kwai Chung, New Territories
(MPC Paper No. A/KC/402)

44. The Committee noted that these two applications were similar in nature as they were for the same applied use and the application premises were on the same floor of the same building. The Committee agreed that these applications could be considered together.

Presentation and Question Sessions

45. Ms. Fannie F.L. Hung, STP/TWK, drew Members' attention that there was a replacement page (p.1) for MPC Paper No. A/KC/402 to correct the name of the applicant.

46. Ms. Fannie Hung then presented the applications with the aid of a PowerPoint and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the shop and services at each of the application premises;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. The Director-General of Trade and Industry (DG of TI) commented that if a temporary approval of 3 years was imposed, which was similar to the previous applications, it would not jeopardize the long-term use of the premises for industrial related uses and he would have no comment on the applications. Other concerned departments had no objection to or adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, one public comment was received on each application from the same commenter, who considered that the applications should be rejected as the applicants did not have full ownership of the whole building and failed to get the consent of the co-owners of the subject industrial building for the change of use of the premises. No local objection/view was received by the District Officer (Kwai Tsing); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications on a temporary basis for a period of three years based on the assessments as set out in paragraph 11 of the Papers. In order not to jeopardize the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended for each application. As regards the public comment concerning the owners' consents on the applications, it was noted that the applicant of each application was the respective sole owner of the premises and had complied with the Town Planning Board Guidelines No. 31 on Satisfying the 'Owner's Consent/Notification' Requirements under Section 12A and 16 of the Town Planning Ordinance.

47. In response to the Chairman's question, Ms. Fannie Hung said that applications for shop and services use in the "Industrial" ("I") zone, if approved, would normally be allowed on a temporary basis for a period of not more than 3 years in order not to jeopardize the long-term planning intention of the "I" zone. However, such a practice would not apply to similar applications in the "Other Specified Uses" annotated "Business" ("OU(B)") zone. The current recommendations of approving the applications for 3 years were consistent with the established practice.

Deliberation Session

48. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of three years until 7.6.2016, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

For Application No. A/KC/401 :

- (a) the submission and implementation of fire safety proposals, including service installations and equipment in the application premises within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2013; and

- (b) if the above planning condition was not complied with before the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

For Application No. A/KC/402 :

- (a) the submission and implementation of fire safety proposals, including service installations and equipment in the application premises and a means of escape completely separated from the industrial portion of the subject industrial building within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2013; and
- (b) if the above planning condition was not complied with before the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

49. The Committee also agreed to advise each of the applicants 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) prior planning permission should have been obtained before commencing the development at the subject premises;
- (c) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that if the application was approved by the TPB, the owner should apply to his office for a temporary waiver for shop and services use. There was no guarantee that the application would be approved. The temporary waiver application would be considered by LandsD acting in the capacity as landlord at its sole discretion. Any

approval, if given, would be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as might be approved by LandsD;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the application premises should be separated from the remainder of the building with walls having fire resistance period of not less than two hours and under section 4(1)(a) of the Buildings Ordinance, an Authorised Person should be appointed to coordinate building works except those exempted works as set out in section 41 of the Buildings Ordinance; and
- (e) 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 the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/403 Shop and Services in "Industrial" zone, Workshop No. 2D (Portion),
Ground Floor, Join-In Hang Sing Centre, Nos. 71-75 Container Port
Road, Kwai Chung, New Territories
(MPC Paper No. A/KC/403)

Presentation and Question Sessions

50. 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;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director-General of Trade and Industry (DG of TI) commented that if a temporary approval of 3 years was imposed, which was similar to other similar applications in the Kwai Chung area, it would not jeopardize the long-term use of the premises for industrial related uses and he would have no comment on the application. Other concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as set out in paragraph 11 of the Paper. In order not to jeopardize the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 7.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment 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 7.12.2013; 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.

53. 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) prior planning permission should have been obtained before commencing the development at the subject premises;
- (c) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that if the application was approved by the TPB, the owner should apply to his office for a temporary waiver for shop and services use. There was no guarantee that the application would be approved. The temporary waiver application would be considered by LandsD acting in the capacity as landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as might be approved by LandsD;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the compliance with the provisions of the Buildings Ordinance: (i) the premises should be separated from the remainder of the building with fire resistance period of not less than 2 hours; and (ii) under section 4(1)(a) of the Buildings Ordinance, an Authorized Person should be appointed to coordinate building works

except those exempted works as defined in section 41 of the Buildings Ordinance; and

- (e) 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 the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/449 Shop and Services in "Industrial" zone, Workshop No. 2 (Portion), G/F,
 Thriving Industrial Centre, Nos. 26-38 Sha Tsui Road, Tsuen Wan, New
 Territories
 (MPC Paper No. A/TW/449)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director-General of Trade and Industry (DG of TI) commented that if a temporary approval of 3 years was imposed, which was similar to the previous applications, it would not jeopardize the long-term use of the premises for industrial related uses and he would have no comment on the application. Other concerned departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a company located in the subject industrial building. The commenter objected to the application as it was concerned that if industrial floor spaces were allowed to be converted into other uses, it would lead to further increase in the rental of industrial premises, which would only benefit the owners of industrial premises but would affect the survival of tenants. No local objection/view was received by the District Officer (Tsuen Wan); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as set out in paragraph 11 of the Paper. In order not to jeopardize the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended. As regards the public comment which considered that the approval of application for conversion of industrial floor spaces into other uses would lead to further increase in the rental of industrial premises affecting the survival of tenants, the application was generally in line with the planning criteria for commercial use in an industrial building as set out in the Town Planning Board Guidelines No. 25D and the concerned departments, including DG of TI, had no objection to or adverse comment on the proposal. Besides, the applied shop and services was small in size (about 21.3 m²) and would not result in significant reduction of ground floor industrial floor spaces. A temporary approval of three years was also recommended as mentioned above.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 7.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire service installations in the application premises within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2013;
- (b) in relation to (a) above, the implementation of the fire service installations in the application premises within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2013; 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.

57. 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 fulfillment 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 the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that “property agency” at the premises was permitted by the waiver letter dated 3.1.2006. If the owner wished to use the premises for “shop and services” other than property agency, the owner should apply to his office for a fresh temporary waiver after the approval of the planning application. The 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 might be imposed by LandsD;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that no person should carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they were exempted under section 41 of the Buildings Ordinance, or fell within minor works under the Building (Minor Works) Regulation;
- (e) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion should be available and detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Regarding matters in relation to fire resisting construction of the premises, the applicant was advised to comply with the requirements as stipulated in Part C of Code of Practice for Fire Safety in Buildings 2011 which was administered by the Buildings Department; and
- (f) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ of the TPB for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

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

Hong Kong District

Agenda Item 11

Section 16 Application

[Open Meeting]

A/H19/66 Proposed Holiday Camp and Emergency Vehicular Access for the Related Redevelopment in “Government, Institution or Community” zone, A piece of Government Land, Stanley Bay, Stanley, Hong Kong (The Hong Kong Federation of Youth Groups Stanley Outdoor Activities Centre)
(MPC Paper No. A/H19/66)

58. The Secretary reported that Mr. Dominic K.K. Lam had declared an interest in this item as he had current business dealings with the applicant. As the item was for deferral of consideration of the application, the Committee agreed that Mr. Lam could stay in the meeting.

59. The Secretary also reported that on 23.5.2013 and 28.5.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for addressing the comments from the concerned Government departments regarding the visual impact and the proposed emergency vehicular access.

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

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/161 Shop and Services (Motor Vehicle Showroom) in
 “Residential (Group C) 2” zone, Basement Floor, Fairville Garden,
 63 Blue Pool Road, Happy Valley, Hong Kong
 (MPC Paper No. A/H7/161B)

61. The Secretary reported Ove Arup & Partners Hong Kong was the consultant of the applicant. The following Members had declared interests in this item :

Professor S.C. Wong – had current business dealings with Ove Arup. He was also the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup had sponsored some activities of the Institute

Mr. Patrick H.T. Lau – had current business dealings with Ove Arup and owned a property in Happy Valley

Mr. Dominic K.K. Lam – had current business dealings with Ove Arup

Mr. Maurice W.M. Lee – owned properties in Happy Valley

Ms. Bonnie J.Y. Chan – her family owned a property in Happy Valley

62. The Committee noted that Mr. Lau and Mr. Lee had tendered apologies for being unable to attend the meeting. As Professor Wong and Mr. Lam had no direct involvement in this application, the Committee agreed that they could stay in the meeting. As Ms. Chan declared that her interest in this application was indirect, the Committee agreed that she could also stay in the meeting.

Presentation and Question Sessions

63. Mr. Louis K.H. Kau, STP/HK, drew Members' attention that there was a replacement page (p.5) for the Paper to clarify the comments of the District Lands Officer/Hong Kong East, Lands Department on the application, which had been tabled at the meeting.

64. Mr. Louis Kau then 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 (motor vehicle showroom);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Although the Commissioner for Transport (C for T) had no objection to the application, he advised that for operational need, the applicant should consider providing 2 visitor parking spaces to avoid any vehicle of customer waiting at Blue Pool Road. While the applicant claimed that the vehicles of customers would be taken to the nearest car parks, it was noted that some of the car parking spaces were quite distant from the site and it seemed unlikely that customers would use some of those parking spaces. The current utilization rate of those car parks had also not been provided to demonstrate whether the parking demand could be absorbed. Other concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the Incorporated Owners of the subject residential building (i.e. Fairville Garden) and a member of the public objecting to the application for reasons of: (i) adverse traffic impact and illegal parking of the customers along Blue Pool Road; (ii) light and noise pollution caused by the sign board and customers of the showroom as well as incoming cars; (iii) the subject building was solely for domestic use; (iv)

the owners and tenants of the subject building wished to have a quiet enjoyment and maintain a residential environment within the area; and (v) any commercial activities would definitely affect the normal living environment of the subject building. The District Officer (Wan Chai) commented that the nearby residents might express concerns on the foreseeable nuisance or traffic impact caused by the motor vehicle showroom; and since similar applications were rejected by the Board previously, the nearby residents and District Council should be consulted and informed of the proposal; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The infiltration of commercial activities within the upper part of Sing Woo Road/Blue Pool Road might affect the tranquility of the residential neighbourhood and was not in line with the planning intention of “Residential (Group C)” zone where commercial uses might be permitted only if they were serving the residential neighbourhood. The approval of the application would set a precedent for similar applications for showroom/commercial use within the area as the Board had not approved any showroom use or shops and services uses in this part of Happy Valley. Despite the applicant's claim that the showroom would not generate any adverse traffic impact on the surrounding area since no direct sale would be carried out at the premises, there would be no means to enforce the prior appointment system and the off-site parking arrangement as proposed by the applicant.

65. In response to a Member's enquiry, Mr. Louis Kau said that the applicant was the owner of the application premises.

66. In response to another Member's enquiry, Mr. Louis Kau said that the kitchenette showroom located on G/F of 69 Blue Pool Road near the application premises had not obtained planning permission and that the Lands Department (LandsD) was investigating whether there was a breach of the concerned lease conditions.

Deliberation Session

67. A Member noted that quite a number of the planning applications considered by the Board involved uses that had started operation without planning permission or unauthorized building works. The Member asked how the relevant authorities would tackle the irregularities. The Chairman said that the LandsD and the Buildings Department would undertake enforcement actions under their respective jurisdictions, but the Planning Authority did not have enforcement power in urban areas under the provisions of the Town Planning Ordinance. Ms. Doris M.Y. Chow supplemented that lease enforcement action would be undertaken by LandsD whenever appropriate.

68. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the motor vehicle showroom use was not in line with the planning intention of the “Residential (Group C) 2” zone where commercial uses might be permitted only if they were serving the residential neighbourhood;
- (b) the showroom would affect the tranquil environment of the residential neighbourhood along the upper part of Blue Pool Road; and
- (c) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving similar applications would affect the tranquility of the existing residential neighbourhood.

[The Chairman thanked Mr. Louis K.H. Kau, STP/HK, for his attendance to answer Members’ enquiries. Mr. Kau left the meeting at this point.]

Kowloon District

Agenda Item 13

Section 16 Application

[Open Meeting]

A/K10/245 Proposed Hotel in “Residential (Group A)” zone, 8-12A Ha Heung Road, To Kwa Wan, Kowloon
(MPC Paper No. A/K10/245)

69. The Secretary reported that CKM Asia Ltd. was one of the consultants of the applicant. The following Members had declared interests in this item :

- Professor S.C. Wong – was the Director of the Institute of Transport Studies of the University of Hong Kong and CKM Asia Ltd. had sponsored some activities of the Institute
- Professor P.P. Ho – had current business dealings with CKM Asia Ltd.

70. The Committee noted that Professor Ho had tendered an apology for being unable to attend the meeting. As the item was for deferral of consideration of the application, the Committee agreed that Professor Wong could stay in the meeting.

71. The Secretary also reported that on 31.5.2013, the applicant requested the Board to defer making a decision on the application for one month in order to allow time for preparing a sewage impact assessment and a traffic impact assessment to address the departmental comments on the application.

72. 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.

[Ms. S.H. Lam, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/303 Proposed Temporary School (Kindergarten and Nursery) for a Period of 3 Years in “Residential (Group C) 1” zone, 22 Kent Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/303)

73. The Secretary reported that CKM Asia Ltd. was one of the consultants of the applicant. The following Members had declared interests in this item :

Professor S.C. Wong – was the Director of the Institute of Transport Studies of the University of Hong Kong and CKM Asia Ltd. had sponsored some activities of the Institute

Professor P.P. Ho – had current business dealings with CKM Asia Ltd.

74. Ms. Julia M.K. Lau had also declared an interest in this item as the residence of her family would be affected by the application.

75. The Committee noted that Professor Ho had tendered an apology for being unable to attend the meeting. As Professor Wong had no direct involvement in this application, the Committee agreed that he could stay in the meeting. As the interest of Ms. Lau was direct, the Committee agreed that she should leave the meeting temporarily during the discussion and deliberation of this item.

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

Presentation and Question Sessions

76. Ms. S.H. Lam, STP/K, 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 proposed temporary school (kindergarten and nursery) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and were highlighted below :
 - (i) the Commissioner for Transport (C for T) did not support the application because of the adverse traffic impact. Schools in Kowloon Tong often generated huge amount of kerbside pick-up/drop-off activities, creating undue interruption to other traffic at many locations. Kent Road was a District Distributor linking Cornwall Street and local roads in Kowloon Tong Area. Since Kent Road was close to Kowloon Tong MTR Station and was a popular place for people to interchange between MTR and vehicular transport, there were already high volumes of loading/unloading activities of vehicles and passengers waiting for coaches during peak hours. Adding school sites at Kent Road would worsen the traffic situation. The junction of Kent Road and Cornwall Street was heavily trafficked during morning peak hour. The arrival/departure period of private cars for the proposed school would clash with the morning peak hour and there was grave concern on the adverse traffic impact of such arrangement. Besides, the traffic impact assessment (TIA) did not assess the current kerbside utilization at Kent Road and Cornwall Street. The applicant could not convince C for T that the proposal to require all students to travel by school bus, walk or use public

transport was enforceable; and

- (ii) the Commissioner of Police (C of P) objected to the proposal as the traffic condition of Kent Road and the nearby vicinity was already saturated during school peak hours due to pick-up/drop-off activities of students by school buses and private cars. The proposed school would further worsen the present traffic flow and create serious traffic impact thereat. With additional influx of pick-up/drop-off activities at Kent road, the congestion would be brought to an intolerable level;

- (d) during the first three weeks of the statutory publication period, a total of 127 public comments were received. Four comments from the general public supported the application mainly on the grounds that Kowloon Tong was an ideal location for educational uses; there was a shortage of school places and the proposed school could help meet the demand. The other 123 comments from the nearby residents, a Kowloon City District Council (KCDC) member, schools/kindergartens in the vicinity and their students' parents objected to or had adverse comments on the application mainly for reason that the proposed kindergarten was not compatible with the residential nature of the area; an extra school or kindergarten was unnecessary as there were already a number of kindergartens in the locality to meet the local demand; the proposed kindergarten would further aggravate the existing traffic congestion in the area, particularly for Kent Road which was the only road leading to the Kowloon Tong MTR Station; the increased traffic would generate air and noise pollution and endanger the safety of the pedestrians and children; the conclusion of the TIA that the road junctions had sufficient capacity to accommodate the expected traffic growth and the traffic generated by the proposed school was unacceptable; the feasibility of the proposed traffic mitigation measures including 'school bus only' campus was doubtful; and the proposed approval for 3 years was unrealistic as the Board would face with serious protest by the parents against closure of school should the approval not be renewed after 3 years. The District Officer (Kowloon City) commented that both the local residents and the concerned KCDC members had all

along been concerned about the traffic congestion problem in the Kowloon Tong area and their views should be seriously considered; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. Although the proposed kindergarten was considered not incompatible with the surrounding land uses comprising schools, religious institutions, elderly homes and government, institution or community (GIC) uses, the cumulative effect of converting or redeveloping residential land for non-residential uses might adversely affect housing land supply. Having considered the TIA submitted by the applicant and the present traffic conditions of the area, in particular the location of the site at the junction of Kent Road and Cornwall Road, both C for T and C of P objected to the application on traffic ground, and the application was considered not complied with the Town Planning Board Guidelines No. 23A for “Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate under Section 16 of the Town Planning Ordinance” (TPB PG-No. 23A). Although there was one application (No. A/K18/288) for kindergarten use approved by the Committee on 4.11.2011 on a temporary basis for 18 months after the promulgation of the TPB PG-No. 23A in March 2011, that application was approved on its unique circumstances and Members were of the view that the application should not be taken as a precedent for other kindergartens in the Kowloon Tong area. The other two applications (No. A/K18/294 and 300) for kindergarten use since the promulgation of the TPB PG-No. 23A were rejected by the Committee on the grounds of adverse traffic impact and setting of undesirable precedent.

77. Members had no question on the application.

Deliberation Session

78. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.2 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development at the junction of Kent Road and Cornwall Street and near Kowloon Tong MTR Station with busy traffic could not comply with the TPB PG-No. 23A in that possible adverse traffic impacts on local roads were anticipated and no effective traffic mitigation measures were proposed to mitigate the impacts; and
- (b) the traffic congestion problem in the area was already serious. The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion of the Kowloon Tong area.

[The Chairman thanked Ms. S.H. Lam, STP/K, for her attendance to answer Members' enquiries. Ms. Lam left the meeting at this point.]

Agenda Item 15

Any Other Business

79. There being no other business, the meeting closed at 11:20 a.m.