

## **TOWN PLANNING BOARD**

### **Minutes of 496<sup>th</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 6.9.2013**

#### **Present**

Director of Planning  
Mr K. K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Mr Maurice W.M. Lee

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms Julia M.K. Lau

Mr Roger K.H. Luk

Mr H.W. Cheung

Mr Dominic K.K. Lam

Mr Stephen H. B. Yau

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

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  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr Sunny L.K. Ho

Mr Patrick H.T. Lau

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

**In Attendance**

Assistant Director of Planning/Board  
Ms Brenda K. Y. Au

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

Town Planner/Town Planning Board  
Miss Hannah H.N. Yick

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 495<sup>th</sup> MPC Meeting held on 16.8.2013**

[Open Meeting]

1. The draft minutes of the 495<sup>th</sup> MPC meeting held on 16.8.2013 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**

[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 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/239                      Proposed Minor Relaxation of Building Height Restriction (from 30mPD to 37.5mPD) for the Proposed Renovation of Hong Kong Museum of Art in “Other Specified Uses” annotated “Ferry Concourse, Public Pier and Cultural Complex including Space Museum, Auditoria, Museum of Arts, Open Space and Car Park”, “Other Specified Uses” annotated “Cultural Square and Public Open Space with Underground Commercial Complex and Car Park” and “Open Space” Zones, 10 Salisbury Road, Tsim Sha Tsui  
(MPC Paper No. A/K1/239A)

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3. The Secretary reported that Environ Hong Kong Ltd. (Environ) was one of the

consultants of the applicant while Architectural Services Department (ArchSD) was providing services to the applicant. Professor P. P. Ho who was a member of the Museum Expert Advisers and had current business dealings with ArchSD had declared interests in this item. Mr Patrick Lau who had current business dealings with ArchSD had declared an interest in this item. Mr Dominic Lam who had current business dealings with ArchSD and Environ had also declared interests in this item.

[Professor P. P. Ho, Mr W.B. Lee and Mr Dominic Lam arrived to join the meeting at this point.]

4. The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting. As Professor Ho and Mr Lam had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the minor relaxation of building height (BH) restriction (from 30mPD to 37.5mPD) for the proposed renovation of Hong Kong Museum of Art (HKMA);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) the applicant had consulted the Harbourfront Commission's Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing (the Task Force) on the proposal and its major views included:
  - (i) re-construction of HKMA would be more cost-effective than renovating the building;

- (ii) the Tsim Sha Tsui waterfront and West Kowloon Cultural District could perform similar function. It was suggested that the existing cultural facilities on the Tsim Sha Tsui waterfront be relocated so as to make way for more open space and other vibrant uses; and
  - (iii) the proposed minor relaxation of BH should be better justified from the Harbour Planning Principles (HPPs) in terms of the proposed uses and public enjoyment; and
- (e) the applicant had provided the following responses on the Task Force's comments:
- (i) the existing HKMA was still in good condition in terms of building envelop and structural integrity, and the cost for renovation was much lower than reconstruction. The proposed renovation would help upgrade the museum facilities and minimize the closure period as far as possible;
  - (ii) HKMA focused on both antique and contemporary art collections with special emphasis on local artists, and this differentiated its positioning from the proposed M+ in the West Kowloon Cultural District which focused on visual culture of the 20th Century and beyond with more emphasis on an international perspective; and
  - (iii) the proposed renovation was in line with the HPPs as it would enrich the cultural ambience of the harbourfront. The new provision of galleries and arts facilities would achieve sustainable development. The renovated HKMA would integrate with the applicant's overall strategic plan of the Tsim Sha Tsui waterfront. Moreover, the proposed iconic features and architectural interventions would enhance the experience along the harbour and a varying BH profile from 15mPD to 37.5mPD could be achieved;
- (f) during the first three weeks of the statutory publication period, one public

comment from the Designing Hong Kong Limited was received. The commenter had concerns on the proposed BH increase as it would impact on sightlines and sterilize the existing building and waterfront in Tsim Sha Tsui, and the overall programme for the entire cluster of Government facilities on Tsim Sha Tsui waterfront. No local objection was received by the District Officer (Yau Tsim Mong); and

- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. Regarding the concern of the commenter on the visual impact of the proposed BH, the Chief Town Planner/Urban Design and Landscape, PlanD advised that the proposed development would not have adverse impact on the surrounding areas. On the need for an overall programme for Government facilities on the waterfront, the applicant would carry out a 3-phase revitalization of the Hong Kong Cultural Complex: Phase 1 for renovation of the western part of Salisbury Garden in front of HKMA, Phase 2 for the proposed renovation of HKMA and the eastern part of Salisbury Garden and Phase 3 for renovation of Hong Kong Cultural Centre.

6. In response to a Member's enquiry, Mr Tom Yip clarified that Drawing A-8 of the Paper was the plan for the proposed new art gallery extension on the fifth floor despite it was described as the 'roof floor plan' in the applicant's submission. In response to the same Member's further enquiry, Mr Yip said that the area of the new art gallery extension was about 1,000m<sup>2</sup> and it would be built on top of the east wing and central wing of the existing Hong Kong Museum of Art and would not involve the west wing.

7. With reference to the photomontage in Drawing A-18 of the Paper, the same Member asked whether the proposed new introductory exhibition space cum entrance, named the 'Urban Room', would encroach onto public open space. Mr Yip explained that the cultural facilities and open space in the area including the Hong Kong Museum of Art, Hong Kong Cultural Centre, Hong Kong Space Museum and Salisbury Garden were all under the management of the Leisure and Cultural Services Department (LCSD). The site of the proposed 'Urban Room' originally formed part of Salisbury Garden. It was proposed to be

incorporated into the Museum of Art, and the 'Urban Room' would be a glass structure of about 13.2mPD in height.

8. In response to the Chairman's enquiry, Mr Yip replied that the site of the proposed 'Urban Room' with an area of about 220m<sup>2</sup> fell within the "Other Specified Uses" ("OU") annotated 'Cultural Square and Public Open Space with Underground Commercial Complex and Car Park' zone where art museum use, which was regarded as 'Place of Recreation, Sports or Culture', was always permitted.

### Deliberation Session

9. A Member supported the application as there was a need to renovate both the use and outlook of the Museum of Art. The museum was built in early days and had become substandard in meeting modern standards and requirements. The proposed increase in building height by 7.2m was supported as there was a need to allow higher headroom to meet the contemporary requirement for large art work display. With reference to the photomontages in Drawing A-18, the same Member opined that consideration should be given to better integrating the design of the 'Urban Room' with the surrounding area, including the provision of covered walkway(s). There was also room for improving the façade design as shown in the photomontage. As the building façade was facing the harbour, it was undesirable to have too many design elements on the façade. Mr Yip responded that the facilities and waterfront area in Tsim Sha Tsui under the jurisdiction of LCSD was undergoing renovation in three phases. For Phase 1 renovation works, Salisbury Garden would be renovated with the demolition of covered structures so as to allow more space for visitors and a more open view from Nathan Road to the harbour. The covered walkway shown in the photomontage would therefore be demolished. In future, the art work display in the future 'Urban Room' could be viewed from Nathan Road, which would help create a more vibrant streetscape. He said that the façade of the museum would also be renovated, and this Member's comments could be relayed to Architectural Services Department (ArchSD) for consideration at the detailed design stage.

10. 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 6.9.2017, 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 conditions :

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

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

- “(a) to take into account the comments of the Metro Planning Committee and the Harbourfront Commission’s Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing in the design of the proposed development;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department that an application should be made to their office for necessary amendments to the Engineering Conditions of the Government Land Allocations to the applicant;
- (c) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with Part D of the Code of Practice for Fire Safety in Buildings which is administered by the Building Authority;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that sufficient soil depth and volume should be provided for the landscape planting at roof levels; and
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that:
  - (i) existing water mains falling within the east wing of the Site will be affected and no development which requires resiting of water mains

will be allowed;

- (ii) details of site formation works in the vicinity of the water mains shall be submitted to the Director of Water Supplies (D of WS) for approval prior to the commencement of works;
- (iii) no structures shall be built or materials stored within the Waterworks Reserve or 3m from the centre lines of water mains. Free access shall be made available at all times for staff of the D of WS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- (iv) no trees or shrubs with penetration roots shall be planted within the Waterworks Reserve or in the vicinity of the water mains. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the D of WS. Rigid root barriers may be required if the clear distance between the proposed trees and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
- (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
- (vi) tree planting in the vicinity of the water mains may be prohibited in the event that the D of WS considers that there is any likelihood of damage being caused to the water mains.”

12. The Committee also requested PlanD to convey the comments on the design aspect made by a Member as stated in paragraph 9 above to ArchSD for consideration.

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

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

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/733                      Proposed Shop and Services (Supermarket) in “Residential (Group E)2”  
Zone, Portion of G/F, 350-360 Fuk Wing Street, Cheung Sha Wan  
(MPC Paper No. A/K5/733A)

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13.            The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Ove Arup) was the consultant of the applicant. Professor S.C. Wong had declared an interest in this item as he was the traffic consultant of 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 Lam and Mr Patrick Lau who had current business dealings with Ove Arup had also declared interests in this item.

14.            The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting. As Professor Wong and Mr Lam had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

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

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

- (a) background to the application;
- (b) the proposed shop and services (supermarket);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Fire Services (D of FS) objected to the application. The subject industrial building was subject to a maximum permissible limit of 230m<sup>2</sup> for aggregate commercial floor area

on G/F since the building was not protected by a sprinkler system. Only if the entire building was protected by a sprinkler system, the industrial building would be subject to a maximum permissible limit of 460m<sup>2</sup>. The proposed shop and services (supermarket) could not be approved as it exceeded the maximum permissible limit of 230m<sup>2</sup>. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received. No local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The subject industrial building was located in an area which generally comprised residential buildings and industrial buildings with commercial and retail uses on the lower floors. It was within the same street block as Un Chau Estate. From land use compatibility viewpoint, the proposed shop and services (supermarket) use was considered not incompatible with the surrounding land uses. Although there was no specific Town Planning Board (TPB) Guidelines concerning with use or development within the “Residential (Group E)” zone, reference could be made to the relevant considerations in the TPB Guidelines for Development within “Other Specified Use (Business)” Zone (TPB PG-No. 22D) since the application involved the use of the ground floor of an existing industrial building for shop and services. Owing to fire safety concern, the aggregate commercial floor areas on the G/F of an existing industrial/industrial-office building with and without sprinkler systems should not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. The Premises, with an area of 460m<sup>2</sup>, was on the G/F of an existing industrial building with direct access on Wing Lung Street. As the subject industrial building itself was not equipped with a sprinkler system, D of FS objected to the application as the area for the proposed shop and services (supermarket) exceeded 230m<sup>2</sup>. Although the applicant proposed to install a sprinkler system for the Premises, D of FS advised that

only if the entire building was protected by a sprinkler system would the industrial building be subject to a maximum permissible limit of 460m<sup>2</sup>. Despite other concerned Government departments had no adverse comments on or no objection to the application, fire safety should not be compromised. Besides, approval of the subject application might set an undesirable precedent for similar applications.

16. In response to a Member's enquiry on para. 8.1.2 (b) of the Paper, Mr Philip Y.L. Chum replied that the subject industrial building was subject to a maximum permissible limit of 230m<sup>2</sup> for aggregate commercial floor area on G/F since the building was not protected by a sprinkler system. Only if the entire building was protected by a sprinkler system, the industrial building would then be subject to a maximum permissible limit of 460m<sup>2</sup>.

17. In response to another Member's question, Mr Chum explained that as industrial use on the upper floors of an industrial building not provided with a sprinkler system would pose fire safety concern, the maximum permissible limit of 230m<sup>2</sup> for aggregate commercial floor area would still be applicable even if the G/F was provided with a sprinkler system.

#### Deliberation Session

18. A Member considered that from the land use perspective, the proposed supermarket was acceptable having regard to the surrounding residential areas. As the Premises was on G/F and would be equipped with a sprinkler system, the fire risk might not be a significant concern. This Member asked if consideration could be given to approving the application with conditions to address the fire safety concern.

19. The Secretary said that as explained by PlanD, the planning considerations in TPB PG-No. 22D was also relevant to the subject application. According to the Guidelines, the aggregate commercial floor areas on the G/F of an existing industrial/industrial-office building with and without sprinkler systems should not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. The proposed use would only be acceptable if there was no fire safety concern. Having regard to the preamble of the Town Planning Ordinance, 'safety' was an important planning consideration. If the application could not meet the fire safety requirements, it would not be appropriate to approve the application in order not to compromise fire safety. Should the

application be rejected by the Committee, the applicant could apply for a review under s.17 of the Town Planning Ordinance and could demonstrate whether the fire safety requirements could be met at that stage. Representative(s) of FSD could also be invited to the review hearing. Members agreed that the application should not be approved on ground of fire safety concern.

20. 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 total floor area for the proposed ‘Shop and Services (Supermarket)’ use exceeds the maximum permissible limit of 230m<sup>2</sup> applicable to the subject building without a sprinkler system which is not acceptable to the Director of Fire Services from fire safety point of view; and
- (b) approval of the application would set an undesirable precedent for similar applications, thereby resulting in adverse fire safety impact on such industrial buildings not equipped with a sprinkler system.”

## **Agenda Item 5**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/737                      Proposed Shop and Services (Showroom) in “Other Specified Uses” annotated “Business(1)” Zone, Flat A (Portions), G/F, Ka Ming Court, Nos. 688-690 Castle Peak Road, Cheung Sha Wan  
(MPC Paper No. A/K5/737)

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21. The Secretary reported that Lawson David & Sung Surveyors Ltd. (Lawson) was the consultant of the applicant. Ms Bonnie Chan who had current business dealings with Lawson had declared an interest in this item. The Committee noted that Ms Chan had tendered apologies for being unable to attend the meeting.

### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (showroom);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received. No local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

23. Members had no question on the application.

### Deliberation Session

24. 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 6.9.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of fire safety measures, including the provision of fire service installations and water supplies for firefighting in the subject premises, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and

- (b) if the above planning condition is not complied with before operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of a temporary waiver or lease modification;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorized Person to submit building plans for the change in use to demonstrate compliance with the Buildings Ordinance, in particular:
  - (i) the provision of adequate means of escape to the subject premises and the remaining portion of Flat A on G/F in accordance with the Building (Planning) Regulation 41(1) and the Code of Practice for the Fire Safety in Buildings 2011;
  - (ii) the subject premises should be separated from the remaining portion of the building including the workshop on 1/F above 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
  - (iii) access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.”

**Agenda Item 6**

**Section 16 Application**

[Open Meeting ]

A/K5/738 Proposed Hotel (Conversion of Existing Office Building) in “Other Specified Uses” annotated “Business(1)” Zone, 476 Castle Peak Road, Cheung Sha Wan  
(MPC Paper No. A/K5/738)

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26. The Committee noted that the applicant’s representative requested on 12.8.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments.

27. 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.

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/739 Proposed Temporary Shop and Services for a Period of 5 Years in “Other Specified Uses” annotated “Business (1)” Zone, Unit B (Portion), G/F, Sun Kwong Industrial Building, 1059-1061 Tung Chau West Street, Kowloon  
(MPC Paper No. A/K5/739)

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**Presentation and Question Sessions**

28. 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 temporary shop and services for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter raised concern that approval of the subject application might cause unrealistic/legitimate expectation of the applicant regarding building plan submission unless the applicant was the owner of the subject industrial building, since failure in providing proof of ownership would render the applicant's submission of Alteration and Addition proposal(s) not approvable by the Building Authority. No local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. As regards the public comment received, the applicant was the sole “current land owner” of the Premises according to the information provided by the applicant.

29. Members had no question on the application.

#### Deliberation Session

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 6.9.2018, 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 fire service installations and water supplies for firefighting and a means of escape completely separated from the industrial portion and in the subject premises, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition is not complied with before operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Kowloon West, Lands Department regarding the temporary waiver application;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorized Person to submit building plans for the change in use to demonstrate compliance with the Buildings Ordinance, in particular:
  - (i) the provision of adequate means of escape to the subject premises and the remaining portion of Unit B on G/F in accordance with the Building (Planning) Regulation 41(1) and the Code of Practice for the Fire Safety in Buildings 2011;
  - (ii) the subject premises should be separated from the remaining portion of the building including the workshop on 1/F above 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
  - (iii) access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.

- (c) to note the comments of the Director of Food and Environmental Hygiene for obtaining requisite licence for operating food business (if any) at the Premises.”

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

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/406                      Proposed Temporary Industrial Use (Food Processing Use) for a period of 5 Years in “Residential (Group E)” Zone, 3/F, Block A, Kerry TC Warehouse 1, No. 3 Kin Chuen Street, Kwai Chung  
(MPC Paper No. A/KC/406)

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32.                      The Secretary reported that the application was submitted by a subsidiary of Kerry Logistics (Kerry) and Knight Frank Petty Ltd (Knight Frank) was the consultant of the applicant. The following Members had declared interests in this item:

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| Mr Dominic Lam      | - had current business dealings with Kerry   |
| Professor S.C. Wong | - being the Director of the Institute of Transport Studies of the University of Hong Kong and Kerry had sponsored some activities of the Institute |
| Ms Julia Lau        | - had current business dealings with Knight Frank  |

As Mr Lam's interest was considered direct, the Committee agreed that he should leave the meeting temporarily. The Committee noted that Ms Lau had not yet arrived to join the meeting. As Professor Wong had no direct involvement in the subject application, the Committee agreed that he could stay in the meeting.

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

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary industrial use (food processing use) for a period of 5 Years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received. No local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper.

34. Members had no question on the application.

#### Deliberation Session

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 6.9.2018, 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 service installations for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2014;
- (b) in relation to (a) above, the implementation of fire service installations for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.6.2014; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that the applicant should apply to his office for a temporary waiver for the proposed use. The application, if approved by LandsD acting in the capacity as landlord at its discretion, would be subject to such terms and conditions as shall be considered appropriate by LandsD including, inter alia, payment of waiver fee and administrative fee. There is no commitment that the Government will approve the temporary waiver;
- (b) 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 fire resistance rating of not less than 120 minutes and under the Buildings Ordinance (BO) section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those stipulated in BO section 41;
- (c) to note the comments of the Director of Food and Environmental Hygiene Department that the applicant should apply for appropriate food licence

from his Department for the proposed industrial use (food processing use) prior to its operation; and

- (d) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the measures set out in Environmental Protection Department's Pamphlet on "Control of Oily Fume and Cooking Odour from Restaurants and Food Business" to control any possible cooking emissions."

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

[Mr Dominic Lam returned to join the meeting at this point.]

### **Hong Kong District**

#### **Agenda Item 9**

##### **Section 12A Application**

[Open Meeting]

Y/H8/6                      Application for Amendment to the Approved North Point Outline Zoning Plan No. S/H8/24, to Rezone the Application Site from "Government, Institution or Community" to "Open Space", Hau Yuen Path, Braemar Hill, North Point  
(MPC Paper No. Y/H8/6)

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37.            The Committee noted that the applicants' representative requested on 26.8.2013 for deferment of the consideration of the application for two months in order to allow time for the applicants to review the implications of departmental comments and the relationship between the subject planning application and the applicants' permanent land grant application to the Lands Department.

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

applicants. 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 applicants. The Committee also agreed to advise the applicants 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.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting]

A/H11/104                      Proposed Hotel in “Residential (Group A)” zone, 48 Caine Road,  
Mid-levels  
(MPC Paper No.A/H11/104)

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39.            The Secretary reported that CKM Asia Ltd. (CKM) and Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. The following Members had declared interests in this item:

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|---------------------|---|---|
| Professor S.C. Wong | - | being the Director of the Institute of Transport Studies of the University of Hong Kong and CKM had sponsored some activities of the Institute. |
| Professor P. P. Ho  | - | had current business dealings with CKM  |
| Mr Dominic Lam      | - | had current business dealings with Environ  |

As the applicant had requested for deferral of consideration of the application, the Committee agreed that Professor Wong, Professor Ho and Mr Lam could stay in the meeting.

40.            The Committee noted that the applicant’s representative requested on 13.8.2013 for deferment of the consideration of the application for two months in order to allow time for the applicant to formulate responses to comments from the Transport Department and the

Police.

41. 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.

[Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/75                      Proposed Heritage Hotel in “Residential (Group C) 2” Zone, 27 Lugard Road, Hong Kong  
(MPC Paper No. A/H14/75A)

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42. The Secretary reported that AGC Design Ltd. (AGC), Adrian L. Norman Ltd. (Adrian) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. The following Members had declared interests in this item:

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|--------------------------------|--|
| Mr K.K. Ling<br>(the Chairman) | - residing in Government’s quarters in the Peak area |
| Ms Julia Lau                   | - had current business dealings with MVA             |
| Mr Dominic Lam                 | - had current business dealings with Adrian and MVA  |
| Mr. Patrick Lau                | - had current business dealings with                 |

## AGC and MVA

The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting and Ms Lau had not yet arrived to join the meeting. As the Chairman's interest was remote and Mr Lam had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

43. The Secretary reported that three letters/email received on 29 and 30 August 2013 were tabled at the meeting. Among them, the two similar letters were submitted by Mr Ruy Barretto and Alliance for a Beautiful Hong Kong (美港聯盟). The email was submitted by Mr Ronald Taylor. As they were received after the first three weeks of the statutory publication period of the application, they should not be treated as public comments under the Town Planning Ordinance. A letter from the Antiquities Advisory Board received on 4 September 2013 was also tabled at the meeting.

### Presentation and Question Sessions

44. With the aid of a powerpoint, Miss Isabel Y. Yiu, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed heritage hotel;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Heritage's Office, Development Bureau (CHO, DEVB) and the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department (LCSD) supported the application. CHO and AMO appreciated that the owner of the building had proposed to preserve the entire historic building in the proposed development. They considered the proposal commensurate with the grading and heritage value of the historic building, and was an appropriate arrangement for heritage conservation while respecting private property rights. The owner would provide a conservation management plan and

free guided tours to the public and visitors. The Commissioner for Transport (C for T) had no objection to the application. He advised that the developer had made every endeavor to lessen the impact on other users along Lugard Road, and that the actual number of traffic trips, using small electric car of width only 1475mm, would be relatively small (at most 2 trips per hour on need basis) and subject to restriction hours on Saturdays, Sundays and Public Holidays. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) the District Officer (Central & Western) advised that Central & Western District Council (C&WDC) members raised concerns on/objections to the application mainly on grounds of limited public access to the future heritage hotel; adverse visual, environmental and traffic impacts on Lugard Road; and adequacy of electricity supply at the site due to the increase in rooms and occupants;
- (e) during the first three weeks of the statutory publication period, a total of 158 public comments were received. Among them, 6 supported the application while the remaining 152 comments objected to the application. The supporting comments indicated that the application would conserve the historic building on site and the local concern on the increased traffic load could be resolved with adoption of appropriate traffic and transport measures. The proposed hotel would give an opportunity for the local public as well as the foreign visitors to experience the cultural and architectural heritage of Hong Kong. The opposing comments included that the hotel was incompatible with the surrounding land uses; the hotel would cause adverse traffic, visual, environmental and ecological impacts; the application would set a precedent for the demolition of other old and beautiful houses in the area; there was insufficient information to assess the requirements on water, gas, electricity, sewerage, telecommunications service and waste treatment for the hotel use; and previous landslide incidents along Lugard Road indicated that the hotel guests would be under excessive danger and inconvenience; 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. The conversion of the proposed Grade 2 historic building into a boutique hotel would allow adaptive re-use while preserving the historic building. The applicant would undertake a conservation management plan and provide free guided tours to the public. The proposal was supported by CHO and AMO from heritage conservation point of view. The proposed hotel development with a plot ratio of 0.5 and a building height of 3 to 4 storeys was within the development restrictions of the “Residential (Group C)2” zone. Located on a hillslope and screened by existing vegetation on all sides, the proposed development was not expected to have significant visual impact and the view from Lugard Road would be limited. Suitable tree preservation and landscape proposals had been proposed in the application. The proposed development would not bring about adverse environmental and infrastructural problems. On the traffic aspect, to minimise the conflict with users of Lugard Road, the applicant had proposed to use electric mini-cars for the hotel operation with restrictions on logistics trips and passenger trips during most of the day time of Saturdays, Sundays and Public Holidays and a maximum of 2 trips per hour on other days. C for T had no objection to the planning application subject to the incorporation of a suitable approval condition on the submission and implementation of the traffic management measures. As regards the public concerns, including those from a majority of members of C&WDC, on the possible adverse traffic, geotechnical, environmental, infrastructural, landscape and visual impacts arising from proposed hotel development on the surrounding areas, the relevant government departments had no objection to/no major adverse comments on these technical aspects. Taking into account the conservation of the proposed Grade 2 building, the public concerns, particularly on the impact of the proposed hotel development on users of Lugard Road, and the traffic management measures proposed by the applicant which were accepted by C for T, on balance, there was no objection to the proposal.

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

45. A Member asked about the dimensions of the proposed electric mini-car and whether it was necessary for the operator to get an operational permit from the Government. Miss Isabel Yiu, STP/HK, replied that Lugard Road was a restricted road and permit from the Transport Department (TD) was required for vehicular access to the road. The proposed electric mini-car was 1.475 m in width.

46. In response to the Chairman's question on the enforcement of the traffic management measures proposed by the applicant, Miss Yiu said that TD had indicated that conditions would be imposed on the permit for vehicular access to Lugard Road, which could ensure that the applicant would implement the proposed measures. Mr W.B. Lee supplemented that a permit was required for access to any restricted road. Appropriate conditions would in general be imposed on such permit. For the subject site, the permit would specify the proposed restricted hours on using Lugard Road as well as other necessary conditions such as speed limit with a view to ensuring no significant impact on other users of Lugard Road. With the central and co-ordinated hotel management, the implementation of these conditions would be more effective for the proposed hotel use when compared with residential use. The relevant permit conditions would help control the traffic flow of the hotel and minimise traffic impact on Lugard Road. TD would be responsible for the enforcement of these conditions.

47. In response to a Member's enquiry, Mr. W.B. Lee replied that there was no permit control on rickshaw, bicycle or tricycle on the restricted road. Golf cart was not a type of electric car and there was no plan to issue a permit for golf cart for using the public road.

48. A Member asked whether TD considered the traffic impact of the proposed hotel acceptable because the applicant had proposed the traffic management measures. Given that Lugard Road was a narrow road, this Member also asked whether approving the application would set an undesirable precedent for similar commercial developments in future. Mr W.B. Lee explained that the traffic flow generated by the proposed hotel development was comparable to a residential development if the site was redeveloped for residential use. When compared with a permit issued to residential use, more restrictions could be imposed on a permit for hotel use such as restrictions on operation hours during weekends and public

holidays. Moreover, compared with ordinary residents, a hotel operator would also be in a better position to manage traffic arrangements such as minimising head on traffic on Lugard Road.

49. In response to a Member's enquiry, Mr W.B. Lee replied that the comparison of traffic flow between a hotel development and a residential development was based on the assumption of four residential blocks upon redevelopment at the site. While the traffic flow was similar, the traffic pattern would be different. For residential use, car trips would mainly concentrated in the morning and evening peak hours. For hotel use, there would be car trips for the whole day for visitors check in/out and goods delivery.

50. In response to the Chairman's enquiry, Mr W.B. Lee responded that there were currently no restricted hours on using Lugard Road imposed on the permits issued to the residential developments there. However, TD would monitor the situation and review the permit conditions as appropriate should there be any change in circumstances.

51. In response to a Member's question, Mr W.B. Lee said that given the small number of hotel rooms, the proposed car trips per hour should be sufficient to meet the demand of hotel guests without creating significant traffic impact. Moreover, the width of Lugard Road could cater for hotel guests carrying luggage to the hotel by themselves. With proper hotel management, this would unlikely cause nuisance to other users of Lugard Road.

52. A Member asked whether there would be any adverse traffic impact if there were similar developments on other lots along Lugard Road. Mr W.B. Lee replied that the traffic impact of the proposed hotel development, i.e. 2 trips per hour, with the traffic management measure in place, was comparable to that of a residential development. The proposed traffic management measures were considered useful in minimising the traffic impact due to the hotel development. There were only two lots using the same access via Lugard Road. If there was a change in land use at the other lot, the traffic impact on Lugard Road should still be acceptable.

53. Noting that Lugard Road was linked to Harlech Road, a Member asked whether the traffic impact assessment had taken into account the traffic impact on the wider area. Mr W.B. Lee responded that vehicular access to the lots along Harlech Road would only be

allowed via Harlech Road but not Lugard Road. Hence, traffic using Lugard Road could be effectively controlled.

### Deliberation Session

54. A Member had reservation on the application for hotel use even though TD considered that there would be no significant traffic impact. Consideration should be given to the negative public perception on the proposed hotel development which would affect public enjoyment of Lugard Road as a very popular walking trail in the Peak Area. A Member shared the same view. Another Member opined that the applicant might need to further address the concern such as by adopting a low-key design for the hotel.

55. A Member supported the application from the heritage preservation perspective and considered that the proposed preservation of the whole historic building as a heritage hotel should be encouraged, given that the site was zoned for residential development. As regards the issue of setting a precedent, the same Member said that there were only one or two historic buildings left on Lugard Road which were worthy to be preserved. In considering the subject case, the focus should be on the merit of the preservation of the entire historic building.

56. Another Member also supported the application as preserving the proposed Grade 2 historic building was desirable from the heritage preservation perspective. It would be a good precedent for other historic buildings in the vicinity. This Member considered that TD had explained that for a residential development, there would not be control on the number of vehicular trips upon issuing the permit for using Lugard Road, whereas for hotel development, more stringent conditions on operation hours and other restrictions could be imposed. In this regard, the traffic generated by the proposed hotel development could be better managed when compared with a residential development. Moreover, the frequency of two vehicular trips per hour would unlikely cause significant impact on Lugard Road. The use of electric cars would also be more environmentally friendly than private cars. The proposed hotel shuttle service might also facilitate the public to visit the heritage hotel given that the hotel would be open to the public. On balance, more weight should be given to the heritage preservation aspect especially because the traffic impact was not unacceptable. Another Member shared similar views.

57. Noting that on Sundays and public holidays, passenger trips were not allowed from 9:00 to 12:00 and 13:00 to 18:00, and logistic trips were not allowed from 10:00 to 18:00, the Chairman asked whether it was possible to extend the restricted hours for logistic trips from 9:00 onwards so as to minimise the impact on hikers in the area. A Member also asked whether it was possible to further extend the restricted hours for logistics trips in order to avoid the peak hours of visitors in the area. Miss Yiu replied that the restricted hours were proposed by the applicant in consultation with TD. Mr W.B. Lee said that TD had examined the case in detail. On Sundays and public holidays, there was only one hour between noon and 13:00 for two passenger trips. For logistics trips, it was considered acceptable to allow one more hour before 10:00 on Sundays and public holidays to cater for delivery of goods as there were only around 100 people in the area before 10:00. Nevertheless, TD had no strong view on extending the restricted hours for logistic trips to start at 9:00 as it should not have great impact on the hotel operator.

58. In response to the Chairman's request, Mr W.B. Lee said that TD would further review the situation in consultation with the applicant and might consider stipulating restricted hours for logistic trips on Saturdays as well.

59. Another Member suggested that to address the public's concern on the enforcement of the restricted hours of vehicular trips of the proposed hotel, electronic device could be used to keep record of the vehicular trips for proper monitoring by TD.

[Mr Maurice Lee arrived to join the meeting at this point.]

60. Members considered that the preservation of the entire proposed Grade 2 historic building through adaptive re-use as a heritage hotel was a planning merit. Given that the traffic impact generated from the hotel development was acceptable and would not be worse than a residential development at the application site upon redevelopment. Members generally supported the application after balancing the relevant planning considerations and taking the public concerns into account.

61. In view of the public concerns, Members agreed to advise TD to consider extending the restricted hours for logistic trips when processing the future application

submitted by the proposed hotel for a permit to use Lugard Road. For approval condition (d) suggested by PlanD in paragraph 12.2(d) of the Paper, Members agreed that the phrase “as proposed by the applicant” should be deleted as there would be changes to the restrictions on the logistic trips after TD’s further discussion with the applicant.

62. 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 6.9.2017, 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 conditions :

- “(a) the submission of a Conservation Management Plan (CMP) to address detailed conservation proposal for the proposed development prior to the commencement of any works and implementation of the works in accordance with the CMP to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (b) the provision of free guided tours once every month to introduce the building and the heritage trail to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (c) to provide and maintain an information panel for the building at a prominent location within the application site as approved or required by the Director of Leisure and Cultural Services or of the TPB;
- (d) the submission and implementation of the traffic management measures including the restrictions on logistic and passenger trips to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of a review report on the natural slopes and if necessary, the implementation of slope upgrading and mitigation works recommended therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB;

- (f) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) the submission and implementation of tree preservation and landscape proposals and quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to discuss with the Transport Department on the traffic management measures with a view to extending the restricted hours of logistic trips to Saturdays and on Sundays and public holidays;
- (b) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (c) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department in respect of the need to apply to his office for modification of lease conditions to implement the proposal;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that any potential impact arising from the future development to the wildlife in the subject area should be avoided/minimized as far as practicable;
- (e) to note that comments of the Commissioner of Police regarding the

provision of suitable measures to ensure the public safety on Lugard Road;

- (f) to note the comments of the Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department regarding the requirements laid down under PNAP APP-40, APP-151, APP-152, and the need to comply with the latest legislative requirements for the proposed change in use of the existing building to hotel use as well as the proposed alteration and addition works, and the provision of Emergency Vehicular Access to comply with Buildings (Planning) Regulations 41D and Section 6 of Part D of the Code of Practice for Fire Safety in Buildings 2011;
- (g) to note the comments of the Director of Environmental Protection (DEP) regarding the implementation of appropriate pollution control measures to minimize any nuisance to nearby residents during construction. A full set of the Recommended Pollution Control Clauses for Construction Contracts is available at the DEP website. The applicant is also reminded to obtain a Water Pollution Control Ordinance licence before making any effluent discharge from its operation;
- (h) to note the comments of the Director-General of Civil Aviation that no part of any structures and equipment used during construction or after the completion of the project for maintenance shall exceed the Airport Height Restriction limits; and
- (i) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements for hotel use.”

**Agenda Item 12**

**Section 16 Application**

[Open Meeting]

A/H14/76                      Proposed Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.548  
for a Proposed Heritage Conservation-cum-House Development in  
“Residential (Group C) 3” Zone, 8 Pollock's Path, The Peak, Hong  
Kong  
(MPC Paper No. A/H14/76)

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64.            The Secretary reported that WSP Hong Kong Ltd. (WSP) was the consultant of the applicant. Mr Dominic Lam who had current business dealings with WSP had declared an interest in this item. As the applicant had requested for deferral of consideration of the application, the Committee agreed that Mr Lam could stay in the meeting.

65.            The Committee noted that the applicant’s representative requested on 30.8.2013 for deferment of a decision on the current application for one meeting to 27.9.2013 to allow sufficient time for the applicant to address departmental concerns on the application. Nevertheless, if the further information needed to be circulated for departmental comments and reasonable time had to be allowed for departmental circulation, it might not be possible to submit the application to the next meeting.

66.            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 on 27.9.2013, subject to sufficient time being allowed for departmental circulation of the further information. The Committee also agreed to advise the applicant that time had been allowed for the preparation of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Items 13 and 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/257            Proposed Hotel in “Other Specified Uses” annotated “Business(2)”  
Zone, 39 Wong Chuk Hang Road, Aberdeen  
(MPC Paper No. A/H15/257)

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A/H15/258            Proposed Hotel in “Other Specified Uses” annotated “Business(2)”  
Zone, 41-43 Wong Chuk Hang Road, Aberdeen  
(MPC Paper No. A/H15/258)

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67.            Noting that the two applications were submitted by the same applicant for the same use and the application sites were adjoining each other, Members agreed that the two applications should be considered together.

68.            The Secretary reported that Kenneth To & Associates Ltd. (KT), LLA Consultancy Ltd. (LLA) and Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. Mr Dominic Lam who had current business dealings with KT, LLA and Environ had declared an interest in this item. Mr Patrick Lau who had current business dealings with KT and LLA had also declared an interest in this item. The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting. As Mr Lam had no direct involvement in the subject application, the Committee agreed that he could stay in the meeting.

**Presentation and Question Sessions**

69.            With the aid of a powerpoint, Miss Isabel Y. Yiu, STP/HK, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed hotels under the two applications;
- (c) departmental comments – departmental comments were set out in

paragraph 8 of the Papers. The Commissioner for Tourism supported the proposed hotel developments which would increase the number of hotel rooms, broaden the range of accommodations for our visitors, and support the rapid development of convention and exhibition, tourism and hotel industries. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received for Application No. A/H15/257 and one public comment was received for Application No. A/H15/258. The public comment was that the proposed development would increase the traffic flow of Yip Kan Street which was full of on-street loading and unloading activities; the application site was not suitable for hotel use as there were many industrial activities nearby and high traffic flow on Wong Chuk Hang Road; and the Board should review the planning intention of Wong Chuk Hang Business Area (WCHBA) as many planning applications for hotel development had been approved. No local objection was received by the District Officer (Southern); and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments made in paragraph 10 of the Papers. As regards the public comment on Application No. A/H15/258, the Commissioner for Transport considered that the traffic generated by the development would not overload the capacity of the nearby road junctions. Also, there were loading and unloading facilities provided within the proposed hotel development. On the concern relating to the suitability of the site for hotel use, the proposed hotel development would help facilitate the transformation of the Wong Chuk Hang area into a business area. The WCHBA was gradually transforming with the completion of new hotels and business buildings. The proposed hotel use was not incompatible with the surrounding land uses. As regards the suggestion to review the planning intention for the area, it should be noted that the area was intended for business use. Hotel development was generally in line with the planning intention.

70. In response to a Member's enquiry, Miss Isabel Y. Yiu, STP/HK, responded that the two proposed hotels at adjoining sites were submitted under two separate planning applications, though the two hotel buildings were linked on the G/F. It would be up to the applicant to decide on the mode of operation of the two hotels in future.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 6.9.2017, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions :

#### Application No. A/H15/257

- “(a) the proposed hotel development is subject to a maximum gross floor area (GFA) of 8,273.54m<sup>2</sup>. Any floor space that is constructed or intended for use as additional plant rooms and back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations shall be included in the GFA calculation;
- (b) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a revised Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;

- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (f) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services (D of FS) or of the TPB.”

Application No. A/H15/258

- “(a) the proposed hotel development is subject to a maximum gross floor area (GFA) of 7,969m<sup>2</sup>. Any floor space that is constructed or intended for use as additional plant rooms and back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations shall be included in the GFA calculation;
- (b) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (f) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services (D of FS) or of the TPB.”

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

Application No. A/H15/257

- “(a) the approval of the application does not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development will be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession for the non-domestic PR of the development is not granted by the Building Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) to apply to the District Lands Officer/Hong Kong West and South, Lands Department for the lease modification/special waiver for the hotel development at the site;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department in paragraph 8.1.3 of the Paper regarding the requirements laid down under PNAP APP-40;
- (d) to note the comments of the DEP in paragraph 8.1.4 of the Paper regarding the provision of central air condition system and selection of a proper location for fresh-air intake at the detailed design stage;
- (e) to note the comments of the D of FS in paragraph 8.1.5 of the Paper regarding the requirement for compliance with the Code of Practice for Fire Safety in Building being administered by the Buildings Department;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 8.1.8 of the Paper regarding the provision of vertical greening on façade and landscape planting on podiums/flat roofs; and
- (g) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department in paragraph 8.1.10 of the Paper regarding the licensing requirements for hotel use under the Hotel and Guesthouse Accommodation Ordinance.”

Application No. A/H15/258

- “(a) the approval of the application does not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development will be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession for the non-domestic PR of the development is not granted by the Building Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) to apply to the District Lands Officer/Hong Kong West and South, Lands Department for the lease modification/special waiver for the hotel development at the site;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department in paragraph 8.1.3 of the Paper regarding the requirements laid down under PNAP APP-40;
- (d) to note the comments of the DEP in paragraph 8.1.4 of the Paper regarding the provision of central air condition system and selection of a proper location for fresh-air intake at the detailed design stage;
- (e) to note the comments of the D of FS in paragraph 8.1.5 of the Paper above regarding the requirement for compliance with the Code of Practice for Fire Safety in Building being administered by the Buildings Department;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 8.1.8 of the Paper regarding the provision of vertical greening on façade and landscape planting on podiums/flat roofs; and
- (g) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department in paragraph 8.1.10 of the Paper regarding the licensing

requirements for hotel use under the Hotel and Guesthouse Accommodation Ordinance.”

[The Chairman thanked Miss Isabel Y. Yiu, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

**Agenda Item 15**

**Section 16 Application**

[Open Meeting]

A/H5/396                      Proposed Office in “Residential (Group A)” zone, 101-111 Wan Chai Road, Wan Chai  
(MPC Paper No.A/H5/396A)

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73.            The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Ove Arup), Environ Hong Kong Ltd. (Environ) and CKM Asia Ltd. (CKM) were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |  |
|---------------------|--|
| Professor S.C. Wong | - being the traffic consultant of Ove Arup and the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup and CKM had sponsored some activities of the Institute |
| Professor P. P. Ho  | - had current business dealings with CKM   |
| Mr Dominic Lam      | - had current business dealings with Environ and Ove Arup  |
| Mr Patrick Lau      | - had current business dealings with Ove Arup  |

74.            The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the

application, the Committee agreed that Professor Wong, Professor Ho and Mr Lam could stay in the meeting.

75. The Committee noted that the applicant's representative requested on 21.8.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from Lands Department and Transport Department.

76. 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 since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

### **Kowloon District**

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

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/214            Proposed Temporary Shop and Services for a Period of 5 Years in  
"Other Specified Uses" annotated "Business" Zone, Unit F, G/F,  
Victorious Factory Building, Nos. 33A-37A Tseuk Luk Street and Nos.  
16-20 Sam Chuk Street, San Po Kong  
(MPC Paper No. A/K11/214)

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**Presentation and Question Sessions**

77. With the aid of a powerpoint, 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 highlighting that there were two similar applications on the G/F of the subject building. Application No. A/K11/36 proposed for retailing of metal hardware at Unit A with a floor area of 218m<sup>2</sup> was approved with conditions on 10.4.1987. Application No. A/K11/31 proposed for metal hardware shops, batteries and tyre supplies and industrial packaging equipment and stationary at Unit C with a floor area of 332m<sup>2</sup> was approved with conditions on 14.11.1986. Both applications should be counted towards the maximum permissible limit of 230 m<sup>2</sup> for aggregate commercial floor area on G/F;
- (b) the proposed temporary shop and services for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Fire Services (D of FS) did not support the application from fire safety point of view as the aggregate commercial floor area on G/F of the building, which was not protected by a sprinkler system, had already exceeded 230 m<sup>2</sup>. Given that the application Nos. A/K11/36 and A/K11/31 were still valid, they should be counted towards the aggregate commercial floor area. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received. No local objection was received by the District Officer (Wong Tai Sin); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed temporary shop and service use for a period of 5 years at the application premises was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone (“OU (B)”).

However, it did not comply with the Town Planning Board Guidelines for Development within “OU (B)” zone (TPB PG-No. 22D) in that it would induce adverse fire safety impacts to the developments within the subject building and the adjacent areas. D of FS did not support the application from fire safety point of view. According to D of FS, the subject building was subject to a maximum permissible limit of 230m<sup>2</sup> for aggregate commercial floor area on the G/F since it was not protected by sprinklers. As the two approved similar applications at Unit A (application No. A/K11/36) and Unit C (application No. A/K11/31) on the G/F of the subject building had no commencement clause, the approvals were still valid. Therefore, the total commercial floor area for shop and services use already approved by the Committee on the G/F of the subject building was 550m<sup>2</sup>. Should the Committee approve the current application, the total commercial floor area on G/F of the subject building would be increased to 670.764m<sup>2</sup>, which exceeded the maximum permissible limit of 230m<sup>2</sup> for an industrial building without sprinkler system.

78. Members had no question on the application.

#### Deliberation Session

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

“the ‘Shop and Services’ use does not comply with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) as the total floor area accountable for the aggregate commercial floor area has exceeded the maximum permissible limit of 230m<sup>2</sup> for an industrial building without sprinkler systems. The proposed shop and services is unacceptable from fire safety point of view.”

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

[Miss Eva Chan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/686                      Proposed Hotel (Wholesale Conversion of an Existing Vacant Industrial Building) in “Other Specified Uses” annotated “Business” Zone, 326 Kwun Tong Road, Kwun Tong  
(MPC Paper No. A/K14/686)

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80.            The Committee noted that a replacement page 7 of the Paper including additional comments from the Lands Department was tabled at the meeting.

81.            The Secretary reported that Lawson David & Sung Surveyors Ltd. (Lawson), LLA Consultancy Ltd. (LLA) and Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. The following Members had declared interests in this item:

- |                |   |  |
|----------------|---|--|
| Ms Julia Lau   | - | had current business dealings with the land owner  |
| Ms Bonnie Chan | - | had current business dealings with Lawson          |
| Mr Dominic Lam | - | had current business dealings with LLA and Environ |
| Mr Patrick Lau | - | had current business dealings with LLA             |

The Committee noted that Ms Chan and Mr Lau had tendered apologies for being unable to attend the meeting. As Ms Lau’s interest was considered direct, the Committee agreed that she should leave the meeting temporarily. Since Mr Lam had no direct involvement in the

subject application, the Committee agreed that he could stay in the meeting.

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

### Presentation and Question Sessions

82. With the aid of a powerpoint, Miss Eva Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (wholesale conversion of an existing vacant industrial building);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Tourism supported the application as the proposed development would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment supporting the application was received from the Chairman of Kwun Tong Central Area Committee without giving reasons. No local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper.

83. Members had no question on the application.

### Deliberation Session

84. 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 6.9.2017, 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 conditions :

- “(a) the design and provision of parking facilities, loading/unloading spaces, lay-bys, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval of the application does 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 (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to note the comments of the Director of Environmental Protection that hotel developments are normally provided with central air conditioning system and the applicant/authorized persons should be able to select a proper location for fresh air-intake during design stage to avoid exposing future occupants under unacceptable environmental nuisance/impact;
- (c) to apply to the District Lands Officer/Kowloon East for lease modification or a waiver to effect the change of use and the conversion proposal;

- (d) to note the comments of the Director of Fire Services that arrangement on emergency vehicular access (EVA) shall comply with the Code of Practice for Fire Safety in Building which is administered by the Buildings Department;
- (e) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the applicant should appoint an Authorized Person to submit building plans for the proposed change of use and/or alteration and addition works to demonstrate compliance with the Buildings Ordinance (BO) at the building plan submission stage, in particular, for the provision of natural lighting and ventilation, means of escape, EVA, access and facilities for persons with a disability; and the site coverage of the proposed hotel; that the BA has no power to give retrospective approval or consent for any unauthorized building works (UBW); that for UBW erected on private buildings/leased land, enforcement action may be taken by the BA to effect their removal in accordance with Buildings Department's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the application site under the BO; that the accessible unisex toilet on G/F shall be directly accessible from a public corridor; and that detailed comments under the BO can only be provided at the building plan submission stage; and
- (f) to consult the Chief Officer (Licensing Authority), Home Affairs Department on the licensing requirements for the proposed hotel.”

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

**Agenda Items 18 and 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/687            Proposed Shop and Services in “Other Specified Uses” annotated  
“Business” Zone, Unit B1 of Factory B, G/F, Lladro Centre, No. 72  
Hoi Yuen Road, Kwun Tong  
(MPC Paper No. A/K14/687)

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A/K14/688            Proposed Shop and Services in “Other Specified Uses” annotated  
“Business” Zone, Unit B2 of Factory B, G/F, Lladro Centre, No. 72  
Hoi Yuen Road, Kwun Tong  
(MPC Paper No. A/K14/688)

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86.            Noting that the two applications proposed the same use and the application sites were adjoining each other on the ground floor of the same building, the Committee agreed that the two applications should be considered together.

**Presentation and Question Sessions**

87.            With the aid of a powerpoint, Miss Eva Chan, STP/K, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed shop and services in the two applications;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. Concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, one public comment from the Chairman of Kwun Tong Central Area Committee supporting the application without giving reasons was received for each

application. No local objection was received by the District Officer (Kwun Tong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Papers.

88. Members had no question on the applications.

#### Deliberation Session

89. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 6.9.2015, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permission of each application was subject to the following conditions :

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

90. The Committee also agreed to advise the applicant of each application of the following :

- “(a) to apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the ‘Shop and Services’ use at the application premises;

- (b) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings administrated by the Buildings Department, and to observe the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and
  
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the applicant should appoint an Authorized Person to submit building plans for the proposed change of use and/or alteration and addition works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance (BO), in particular, the provision of adequate means of escape to the premises and access and facilities for persons with a disability; that the application premises should be separated from the remaining portion of the building by fire barriers; and that for unauthorized building works (UBW) erected on private buildings/leased land, enforcement action may be taken by the BA to effect their removal in accordance with Buildings Department's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the application site under the BO; and that detailed comments under the BO can only be provided at the building plan submission stage.”

[The Chairman thanked Miss Eva Chan, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/250                      Proposed Hotel in “Residential (Group A)” Zone, 54 and 56 Ma Tau  
Wai Road, Hung Hom  
(MPC Paper No. A/K9/250C)

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91.            The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) and CKM Asia Ltd. (CKM) were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |   |   |
|---------------------|---|---|
| Professor S.C. Wong | - | being the Director of the Institute of Transport Studies of the University of Hong Kong and CKM had sponsored some activities of the Institute. |
| Professor P. P. Ho  | - | had current business dealings with CKM  |
| Mr Patrick Lau      | - | had current business dealings with Lanbase  |

The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting. As Professor Wong and Professor Ho had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

**Presentation and Question Sessions**

**Applicant’s Request for Deferment**

92.            Ms S. H. Lam, STP/K, said that the applicant’s representative on 2.9.2013 requested the Board to defer making a decision on the application for a further two months in

order to allow time for the applicant to prepare supplementary information to address the further comments from the Commissioner for Transport (C for T) and the Commissioner of Police (C of P). The application had been deferred for three times previously at the request of the applicant. Therefore, the Planning Department (PlanD) did not support the request for deferment as the applicant had already been allowed adequate time to address the comments of C for T and C of P since the first deferment on 5.10.2012. Despite repeated submissions of further information by the applicant, C for T and C of P still maintained their concerns on the traffic impact of the proposed development, namely the lack of car parking and loading/unloading facilities.

93. After deliberation, Members agreed that the applicant's request for deferment should not be acceded to and the application should be considered at the meeting.

#### Consideration of the Application

94. Ms Lam clarified and the Committee noted that 'A/K7/257' in paragraphs 6 and 11.4 of the Paper should read 'A/K9/257'.

95. With the aid of a powerpoint, Ms Lam presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Tourism supported the proposed hotel development as it would increase the number of hotel/guesthouse rooms, broaden the range of accommodations for the visitors, and support the rapid development of convention and exhibition, tourism and hotel industries. C for T had reservation on the proposed hotel development. There was no provision of internal carparking, taxi lay-by and loading/unloading facilities, which would increase kerbside activities at the surrounding roads which were not acceptable. There was

genuine need for pick-up/drop-off and loading/unloading activities, but there were 'No Stopping Zones' at the surrounding roads including Ma Tau Wai Road and Fat Kwong Street. C for T had reservation on the applicant's proposal to carry out loading/unloading at Lee Kung Street which was a narrow 2-way cul-de-sac. C of P had reservation on the application from the traffic policing point of view unless other mitigation measure was considered, such as designated loading/unloading area within the proposed hotel. Pick-up/drop-off and loading/unloading activities would inevitably occur on the kerbside of Fat Kwong Street, Ma Tau Wai Road and Man Yue Street which were already very busy. The proposal failed to indicate any measures to deal with the foreseeable traffic impact at the said locations. On top of the imminent construction of the Shatin Central Link and Kwun Tong Line Extension, the proposed hotel might aggravate the undesirable traffic condition. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period of the application, one public comment not supporting the application was received. The main reasons were that the proposed hotel was not in line with the planning intention of the "Residential (Group A)" ("R(A)") zone for residential use and would contravene the overall land use planning for the area; the site should be developed for residential use which was currently in shortage; the lack of internal pick-up/drop-off facilities would result in pick-up /drop-off activities at the busy Fat Kwong Street and Ma Tau Wai Road; traffic congestion would be aggravated in the area; and approval of the application would set an undesirable precedent. During the first three weeks of the statutory publication period of further information, two public comments were received. One commenter had no comment, while the other did not support the application mainly for reasons that the fire alarm from nearby fire station would affect the hotel dwellers; the pick-up/drop-off activities by taxis or coaches in front of the traffic light would obstruct vehicular traffic and the proposed 48 guestrooms did not help address the shortage of hotel rooms. No local objection was received by the District Officer (Kowloon City); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application site, located in a predominantly residential neighbourhood, was zoned “R(A)” which was intended primarily for high-density residential developments. A number of planning applications for hotel/guesthouse developments in the vicinity had been approved and some had been developed. The proposed hotel development was thus not incompatible with the land uses in the vicinity. Being located at the junction of two busy roads and in close proximity to the Fat Kwong Street Flyover, the proposed hotel with central air conditioning system might better address the possible environmental impact arising from the vehicular traffic. However, in view of the current acute shortage of housing land, the cumulative effect of changing residential land for non-residential uses might result in a reduction in housing land supply. Moreover, there was no provision of carparking and loading/unloading facilities within the site. Both C for T and C of P had reservation on the application as the lack of loading/unloading and parking facilities within the site would result in loading/unloading and pick-up/drop-off activities of the proposed hotel to be carried out at the surrounding busy Ma Tau Wai Road, Fat Kwong Street and Man Yue Street. While the applicant proposed that loading/unloading and pick-up/drop-off could be carried out at Lee Kung Street which was about 35m away from the application site, C for T had reservation on this proposal because Lee Kung Street was a narrow 2-way cul-de-sac and it was not practical to add traffic particularly coaches on this narrow street. C of P pointed out that the proposal failed to indicate any measures to deal with the foreseeable traffic impact arising from the kerbside drop off and loading/unloading activities. This undesirable traffic condition would be aggravated by the proposed hotel in particular during the construction of the Shatin to Central Link and Kwun Tong Line Extension in the vicinity. The proposed hotel was not supported from traffic and land use planning points of view.

Deliberation Session

97. 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 application site is located in a predominantly 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 a reduction of land for residential development, which would affect the supply of housing land in meeting the pressing housing demand in the territory;
- (b) the non-provision of internal parking and loading/unloading facilities for the proposed hotel development would have adverse traffic impact on Ma Tau Wai Road and Fat Kwong Street and is considered unacceptable; and
- (c) approval of the application which would have adverse traffic impact on Ma Tau Wai Road and Fat Kwong Street would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications without the required internal parking and loading/unloading facilities would aggravate the already heavy traffic of the surrounding roads.”

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

**Agenda Item 21**

Any Other Business

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