

TOWN PLANNING BOARD

**Minutes of 507th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 7.3.2014**

Present

Director of Planning
Mr K. K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H. B. Yau

Chief Traffic Engineer/Kowloon,
Transport Department
Mr Wilson W. S. Pang

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr K.F. Tang

Assistant Director (Regional 1), Lands Department
Ms Doris M.Y. Chow

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

Secretary

Absent with Apologies

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

Mr Maurice W.M. Lee

Mr Roger K.H. Luk

Professor P.P. Ho

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

Town Planner/Town Planning Board
Ms Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 506th MPC Meeting held on 21.2.2014

[Open Meeting]

1. The draft minutes of the 506th MPC meeting held on 21.2.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K1/244 Proposed Flat and Shop and Services/Eating Place Uses in
"Commercial" Zone, No. 68, 68A, 70, 70A, 72, 72A, 72B and 72C
Kimberley Road, Tsim Sha Tsui
(MPC Paper No. A/K1/244)

3. The Secretary reported that Kenneth To & Associates Ltd., CKM Asia Ltd. and Mott MacDonald Hong Kong Ltd. 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 (the Institute) and CKM Asia Ltd. had sponsored some activities of the Institute |
| Professor P.P. Ho | - having current business dealings with CKM Asia Ltd. |
| Mr Dominic K.K. Lam | - having current business dealings with Kenneth To & Associates Ltd. and Mott MacDonald Hong Kong Ltd. |
| Mr Patrick H.T. Lau | - having current business dealings with Kenneth To & Associates Ltd. |

4. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Mr Patrick H.T. Lau had not yet arrived to join the meeting. Members also noted that the applicant had requested for deferment of consideration of the application and Professor S.C. Wong and Mr Dominic K.K. Lam had no involvement in this application. Members agreed that they could stay in the meeting.

5. The Secretary reported that the applicant requested on 20.2.2014 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 of the relevant Government departments. This was the first time that the applicant requested for deferment.

6. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms Michelle M.S. Yuen, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/558 Proposed Hotel, Shop and Services and Minor Relaxation of Plot Ratio
Restriction in “Residential (Group E)” Zone, 37 Beech Street,
Mong Kok
(MPC Paper No. A/K3/558)

Presentation and Question Sessions

7. With the aid of a Powerpoint presentation, Ms Michelle M.S. Yuen, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel, shop and services and minor relaxation of plot ratio (PR) restriction from 9 to 10.265 (including back-of-house facilities);
- (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;

[Messrs Clarence W.C. Leung and Patrick H.T. Lau arrived to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, two public comments were received. One public comment was submitted by an individual objecting to the application mainly on the grounds that the proposed hotel development would increase the burden on the existing traffic and pedestrian flow in the area and would cause inconvenience to the surrounding industrial buildings due to non-provision of carparking and

loading/unloading spaces at the proposed hotel. The commenter was also of the view that the proposed small-scale hotel would not help contribute to the hotel supply and it was not in line with the planning intention of the “Residential (Group E)” zone. The other public comment was submitted by Designing Hong Kong Limited which objected to the application on traffic and pedestrian safety grounds and the need to retain the site for housing supply. There was also concern on the possible visual, landscape and air ventilation impacts as a result of the relaxed PR; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Regarding the public comments received concerning possible adverse traffic impact on the locality, the Commissioner for Transport had no in-principle objection to the application. With regard to the concern on the possible visual, landscape and air ventilation impacts as a result of the relaxed PR, the application was for wholesale conversion of an existing 15-storey industrial building which would not result in any increase in the physical bulk of the building. The Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application from the urban design and visual point of view. In relation to the planning intention for the site, the proposed hotel development with shop and services use on the ground floor would also help phase out industrial uses in the area and was not unacceptable from the land use planning point of view. The Commissioner for Tourism supported the proposed hotel development as it would provide more hotel accommodation.

8. Members had no question on the application.

Deliberation Session

9. A Member said that the application site was surrounded by industrial buildings, the proposed hotel development could serve as a catalyst for phasing out industrial uses in the area. As such, this Member supported the application.

10. A Member shared the same views. This Member added that the proposed in-situ conversion of an existing industrial building would not result in any increase in the physical bulk of the building. The proposed minor relaxation of PR was only a technical matter to cater for conversion of the existing building to hotel use. Hence, this Member also supported the application.

11. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.3.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the proposed development is subject to a maximum gross floor area (GFA) of 1,716.62m². Any floor space that is constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations (B(P)Rs) shall be included in the GFA calculation;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (d) the submission of a sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
and
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (d) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.”

12. 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 GFA exemption for back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver or a modification of the lease conditions to effect the proposed uses, which if approved, will be subject to the payment of premium and fees and imposition of other relevant clauses as appropriate;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that:
 - (i) the applicant is required to appoint an Authorized Person and Registered Structural Engineer to submit plans to demonstrate compliance with the Buildings Ordinance and its allied regulations, including (but not limited to):
 - i. the building shall be provided with a service lane at the rear or side of the building in accordance with B(P)R 28. Such lane should not be included in site area for the purpose of plot ratio and site coverage calculations under B(P)R 23(2)(a);
 - ii. under B(P)R 25, every domestic building shall have within the site an open space at the rear, or partly at the rear and partly at the side. No part of any domestic building shall be erected within 1.5m of the rear boundary of the site in accordance with B(P)R 25(2);
 - iii. natural lighting and ventilation should be provided to the guestrooms, lavatories and laundry in accordance with B(P)Rs 30, 31, 35(2) and 36;

- iv. adequate means of escape should be provided in accordance with B(P)R 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (the FS Code);
 - v. the means of escape from any part of a building should be so arranged that it is not necessary to pass through one required staircase enclosure or the landing of one required staircase in order to reach another required staircase;
 - vi. adequate number of staircases should be provided for 14/F;
 - vii. adequate means of access for fire fighting and rescue should be provided in accordance with B(P)Rs 41A, 41B, 41D and the FS Code;
 - viii. provision of adequate fire resisting construction in accordance with Building (Construction) Regulation 90 and the FS Code; and
 - ix. provision of access and facilities for persons with a disability in compliance with B(P)R 72; and
- (ii) the application for hotel concession under B(P)R 23A will be considered upon formal submission of building plans subject to the proposal being in compliance with the criteria under PNAP APP-40 and favourable comments from the relevant departments. Detailed comments under the Buildings Ordinance will be given at the building plan submission stage;
- (d) to note the comments of the Commissioner for Transport that he has the rights to impose, alter or cancel any parking, loading/unloading facilities and/or any no-stopping restrictions, etc. on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the proposed development;

- (e) to note the comments of the Director of Environmental Protection that the applicant/Authorized Persons should select a proper location for fresh-air intake of the air conditioning system during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact, and prepare and submit the sewerage impact assessment as early as possible in view of the time required for the implementation of any required sewerage works;

- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access shall comply with Section 6, Part D of the FS Code which is administered by the Buildings Department; and

- (g) to note the comments of the Chief Officer/Licensing Authority, Home Affairs Department that:
 - (i) the applicant should submit documentary evidence showing that the Building Authority has granted prior approval for the proposed change in use when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);

 - (ii) the proposed licensed area should be physically connected;

 - (iii) the fire service installation provisions for the subject guesthouse/hotel should comply with the Codes of Practice for Minimum Fire Services Installations and Equipment; and

 - (iv) the licensing requirements will be formulated after inspections by his Building Safety Unit and Fire Safety Unit upon receipt of a licence application under HAGAO.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/559 Proposed Hotel, Shop and Services in “Residential (Group E)” Zone,
1125 to 1127 Canton Road, Mong Kok
(MPC Paper No. A/K3/559)

Presentation and Question Sessions

13. With the aid of a Powerpoint presentation, Ms Michelle M.S. Yuen, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel, shop and services;
- (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, two public comments objecting to the application were received. One public comment was submitted by the Incorporated Owners of the adjacent Fuk On Factory Building raising concerns on the possible adverse hygienic, sewerage and traffic impacts arising from the proposed hotel development. The other public comment was submitted by Designing Hong Kong Limited which objected to the application on traffic and pedestrian safety grounds and the need to retain the site for housing supply; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Regarding the public comments received raising concerns on the possible adverse traffic and sewerage impacts on the locality, the Commissioner for

Transport, the Chief Engineer/Mainland South, Drainage Services Department and the Director of Environmental Protection had no in-principle objection to the application. As for the concern on the possible adverse hygienic impact, it was considered that the phasing out of incompatible industrial use in the area would help to improve the general environment of the neighbourhood. The Director of Food and Environmental Hygiene had no objection to the application. Besides, the proposed hotel development was in line with the planning intention for the site in phasing out the existing industrial uses in the area. The Commissioner for Tourism supported the proposed hotel development as it would provide more hotel accommodation.

14. Members had no question on the application.

Deliberation Session

15. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.3.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the submission of a sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.”

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

- “(a) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver or a modification of the lease conditions to effect the proposed uses, which if approved, will be subject to the payment of premium and fees and imposition of other relevant clauses as appropriate;

- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the site coverage of the proposed hotel will exceed the limit under Building (Planning) Regulation (B(P)R) 20 based on the submission made by the applicant. The application for modification of site coverage under the B(P)R as mentioned in the submission can only be considered at the building plan submission stage. The application for hotel concession under B(P)R 23A will be considered upon formal submission of building plans subject to the proposal being in compliance with the criteria under PNAP APP-40 and favourable comments from the relevant departments. Detailed comments under the Buildings Ordinance will be given at the building plan submission stage. The applicant is required to appoint an Authorized Person and a Registered Structural Engineer to submit plans to demonstrate compliance with the Buildings Ordinance and its allied regulations, including (but not limited to):
 - (i) the building shall be provided with a service lane at the rear or the side of the building in accordance with B(P)R 28. Such lane should not be included in site area for the purpose of plot ratio and site coverage calculations under B(P)R 23(2)(a);

 - (ii) under B(P)R 25, every domestic building shall have within the site an open space at the rear, or partly at the rear and partly at the side. No part of any domestic building shall be erected within 1.5m of the rear boundary of the site in accordance with B(P)R 25(2);

 - (iii) natural lighting and ventilation should be provided to the guestrooms and lavatories (including the guestrooms facing the rear lane) in

accordance with B(P)Rs 30, 31, 32 and 36;

- (iv) adequate means of escape and means of access for firefighting and rescue should be provided in accordance with B(P)Rs 41(1), 41A, 41B, 41D and the Code of Practice for Fire Safety in Buildings 2011 (the FS Code);
 - (v) provision of adequate fire resisting construction (including the fire separation between buildings) in accordance with Building (Construction) Regulation 90 and the FS Code; and
 - (vi) provision of access and facilities for persons with a disability (including the provision of accessible guestrooms) in compliance with B(P)R 72.
- (c) to note the comments of the Commissioner for Transport that he has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions on all local roads to cope with the changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the proposed development;
- (d) to note the comments of the Director of Environmental Protection that the applicant/Authorized Persons should select a proper location for fresh-air intake of the air conditioning system during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact, and prepare and submit the sewerage impact assessment as early as possible in view of the time required for the implementation of any required sewerage works;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access shall comply with Section 6, Part D of the FS Code which is administered by the Buildings Department; and

- (f) to note the comments of the Chief Officer/Licensing Authority that:
 - (i) the applicant should submit documentary evidence showing that the Building Authority has granted prior approval for the proposed change in use when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
 - (ii) the proposed licensed area should be physically connected;
 - (iii) the fire service installation provisions for the subject guesthouse/hotel should comply with the Codes of Practice for Minimum Fire Services Installations and Equipment; and
 - (iv) the licensing requirements will be formulated after inspections by his Building Safety Unit and Fire Safety Team upon receipt of a licence application under HAGAO; and
- (g) to note the comments of the Director of Food and Environmental Hygiene that the hotel operator should provide for their own waste collection services.”

[The Chairman thanked Ms Michelle M.S. Yuen, STP/TWK, for her attendance to answer Members’ enquiries. She 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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/742 Proposed Hotel in “Other Specified Uses” annotated “Business(1)”
Zone, 609 Tai Nan West Street, Cheung Sha Wan
(MPC Paper No. A/K5/742)

17. The Secretary reported that LLA Consultancy Ltd. was the consultant of the applicant. Messrs Dominic K.K. Lam and Patrick H.T. Lau had declared interests in this item as they had current business dealings with LLA Consultancy Ltd. As Messrs Lam and Lau had no involvement in the subject application, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

18. With the aid of a Powerpoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (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, two public comments from a private individual, a tenant of the subject industrial-office building and Designing Hong Kong Limited were received objecting to the application due to the concern on land use compatibility; lack of tourist facilities in Lai Chi Kok; traffic impacts; setting of undesirable precedent; loss of office space; impacts on employment opportunities and the short period of consultation period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments received with concerns on land use compatibility, suitability for hotel development, traffic impacts, impacts on employment opportunities and short period of consultation, it was considered that the proposed development was compatible with other developments in the Cheung Sha Wan Industrial/Business area. The Commissioner for Tourism supported the application as the proposed hotel development could provide a wider range of accommodation facilities to serve the tourists. Regarding the traffic aspects, the applicant had conducted a Traffic Impact Assessment which demonstrated that the proposed hotel development would not generate adverse traffic impacts on the adjacent road network and the Commissioner for Transport had no objection to the application. Regarding the impact on the employment opportunities, it should be noted that the proposed hotel development would also bring different employment opportunities. With regard to the short period of consultation, the application had been published for public inspection as per the provisions under the Town Planning Ordinance.

19. Members had no question on the application.

Deliberation Session

20. The Secretary noted from the applicant's submission that the gross floor area (GFA) of the proposed hotel development if including the back-of-house facilities would exceed the GFA of the existing building, i.e. 6,824m². In order not to result in any increase in the physical bulk of the existing building, a maximum GFA of 6,824m² as recommended under condition (a) in paragraph 12.2 of the Paper was proposed to be imposed. Should there be a major change to the current scheme, a fresh application might be required.

21. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.3.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

- “(a) the proposed development is subject to a maximum gross floor area (GFA) of 6,824m² . Any floor space that is constructed or intended for use as 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 provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of the Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or the Town Planning Board.”

22. 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. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to apply to the District Lands Officer/Kowloon West, Lands Department for a waiver or a lease modification for the proposed hotel use;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that subject to compliance with the criteria under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40, the application for hotel concession under Building (Planning) Regulations 23A will be considered upon formal submission of building plans; the provision of natural lighting and ventilation to each of the hotel guest rooms; the provision of access and facilities to persons with a disability in accordance with Design Manual: Barrier Free Access 2008; and the appointment of an Authorized Person to

submit building plans for approval under the Buildings Ordinance;

- (d) to note the comment of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance;
- (e) to note the comments of the Director of Fire Services that emergency vehicular access should be provided in accordance with the Code of Practice for Fire Safety in Buildings 2011 published by the Buildings Department;
- (f) to note the comments of the Director of Food and Environmental Hygiene for obtaining appropriate licence/permit from the Food and Environmental Hygiene Department for the restaurant on 2/F of the proposed hotel development; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that there are underground town gas transmission pipes running in the vicinity of the application site. For any development near town gas transmission pipes, the project proponent/consultant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipes route/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipelines if any excavation works are required during the design and construction stages of the development. The applicant shall also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes".

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/TW/452 Proposed Comprehensive Residential Development in “Comprehensive Development Area (3)” Zone, Tsuen Wan Town Lots No. 126, 137, 160 and 363 and the Adjoining Government Land, Tsuen Wan
(MPC Paper No. A/TW/452C)

23. The Secretary reported that the application was submitted by Tippon Investment Enterprises Ltd., which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited, AECOM Asia Co. Ltd (AECOM) and Environ Hong Kong Limited (Environ) were the consultants of the applicant. The following Members had declared interests in this item:

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| Professor S.C. Wong | - having current business dealing with AECOM |
| Professor P.P. Ho | - having current business dealing with AECOM |
| Ms Julia M.K. Lau | - having current business dealings with SHK, AECOM and Environ |
| Mr Dominic K.K. Lam | - having current business dealings with SHK, AECOM and Environ |
| Mr Patrick H.T. Lau | - having current business dealings with SHK, Llewelyn-Davies Hong Kong Ltd. and AECOM |

24. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Ms Julia M.K. Lau had not yet arrived to join the meeting. Members noted that the applicant had requested for deferment of consideration of the application and as Professor S.C. Wong had no involvement in the application, he could stay in the meeting. Members also noted that Messrs Dominic K.K. Lam and Patrick H.T. Lau’s interests and agreed that Messrs Lam and Lau could stay in the meeting but should refrain from participating in the discussion.

25. The Secretary reported that the applicant on 19.2.2014 requested for deferment of the consideration of the application for two months in order to allow time for conducting

further site investigation to collect relevant data and update the Environmental Assessment for the review of the Environmental Protection Department and to gather and verify relevant information as well as making corresponding updates to the relevant technical assessments to address the outstanding comments of the Transport Department and Drainage Services Department.

26. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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 8

Section 16 Application

[Open Meeting]

A/TW/453 Proposed Office Development in "Residential (Group E)" Zone, 13-17
Fu Uk Road, Tsuen Wan (Kwai Chung Town Lot 169)
(MPC Paper No. A/TW/453A)

27. The Secretary reported that the application was submitted by Starrylight Ltd., which was a subsidiary of Sun Hung Kai Properties Limited (SHK). CKM Asia Ltd., Environ Hong Kong Ltd. and SHK Architects and Engineers Ltd. 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 (the Institute) and CKM Asia Ltd. had sponsored some activities of the Institute |
| Professor P.P. Ho | - having current business dealings with CKM Asia Ltd. |
| Ms Julia M.K. Lau | - having current business dealings with SHK and Environ |
| Mr Dominic K.K. Lam | - having current business dealings with SHK and Environ |
| Mr Patrick H.T. Lau | - having current business dealings with SHK |

28. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Ms Julia M.K. Lau had not yet arrived to join the meeting. Members noted that the applicant had requested for a deferment of consideration of the application and as Professor S.C. Wong had no involvement in the application, he could stay in the meeting. Members also noted that Messrs Dominic K.K. Lam and Patrick H.T. Lau's interests and agreed that Messrs Lam and Lau could stay in the meeting but should refrain from participating in the discussion.

29. The Secretary reported that the applicant's representative on 20.2.2014 requested for deferment of the consideration of the application for one month in order to allow time for preparation of quantitative information in response to the comments of the Commissioner for Transport and Commissioner of Police on traffic impact aspect.

30. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special

circumstances.

Hong Kong District

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H5/399 Proposed Commercial Bathhouse, Massage Establishment in “Other Specified Uses” annotated “Mixed Use” Zone, G/F (Part), 1/F (Part) & 2/F (Part), Morrison Plaza, 9 Morrison Hill Road, Wan Chai
(MPC Paper No. A/H5/399)

Presentation and Question Sessions

31. The Secretary reported that the applicant on 24.2.2014 requested 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. This was the first time that the applicant requested for deferment.

32. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Kowloon District

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K10/250 Proposed Religious Institution (Church) in “Residential (Group A)”
Zone, Shop E and Shop F, 1/F, In House, 307 To Kwa Wan Road,
Kowloon
(MPC Paper No. A/K10/250)

33. The Secretary reported that the applicant on 26.2.2014 requested for deferment of the consideration of the application for two months in order to allow time to gather and provide further information to address the concern of the owners of the subject building in respect of security issues. This was the first time that the applicant requested for deferment.

34. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. 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 11

Section 16 Application

[Open Meeting]

A/K11/210 Proposed Additional Columbarium Niches in “Government, Institution or Community” Zone, Level 4 (Part) and Level 5 (Part) of East Wing and West Wing of Fat Jong Temple, 175 Shatin Pass Road,
Tsz Wan Shan
(MPC Paper No. A/K11/210E)

35. The Secretary reported that Mr K.K. Ling, the Chairman, had declared an interest in this item as his relatives’ ashes and memorial tablets were stored in Fat Jong Temple. Members noted that the Planning Department (PlanD) had requested for a deferment of consideration of the application and Mr K.K. Ling’s interest was direct, Members agreed that Mr Ling should leave the meeting temporarily for this item. As the Chairman had to leave the meeting temporarily, the Vice-chairman took up the chairmanship of the meeting at this point.

[Mr K.K. Ling left the meeting temporarily at this point.]

36. Ms Julia M.K. Lau had also declared an interest in this item as she had current business dealings with Knight Frank Petty Ltd. which was the consultant of the applicant. As Ms Lau had no involvement in the application, Members agreed that Ms Lau could stay in the meeting.

37. The Secretary said that the applicant sought planning permission for additional columbarium niches on levels 4 and 5 of Fat Jong Temple. Since 20.9.2012, the Committee had deferred the consideration of the application five times in order to allow time for the applicant to carry out necessary technical assessments and prepare responses to address comments of the relevant Government departments. Subsequent to the last deferment on 27.9.2013, the applicant’s representative submitted responses to address the comments of the Transport Department.

38. The Secretary said that on 13.12.2013, the Committee considered a section 12A application (No. Y/KC/3) to rezone a site in Kwai Chung from “Industrial” to “Other

Specified Uses” annotated “Columbarium” (“OU(Columbarium)”) for a proposed columbarium development. After deliberation, the Committee decided to partially agree to the application but requested PlanD to examine suitable development restrictions for the “OU(Columbarium)” zone for the consideration of the Committee. In response to the Committee’s request, PlanD was carrying out a study (PlanD’s study) on the appropriate development parameters for that site with reference to the existing columbaria in Hong Kong and overseas countries. The findings of PlanD’s study might also serve as reference for assessing similar applications for columbarium use. PlanD’s study was nearing completion and its findings were tentatively scheduled for submission to the Committee for consideration on 21.3.2014.

39. The Secretary continued that as PlanD’s study would be completed shortly and its findings might provide relevant reference in assessing the subject application, PlanD requested the Committee to defer making a decision on the subject application for one month pending the submission of the findings of PlanD’s study to the Committee for consideration.

40. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within one month from the date of this meeting, i.e. at the same meeting when the Committee considered the findings of PlanD’s study which was tentatively scheduled for 21.3.2014.

[Mr K.K. Ling returned to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting]

A/K15/112 Proposed Comprehensive Development (including Residential, Commercial, Hotel, Government, Institution or Community Uses, Public Vehicle Park and Pier (Landing Steps)) and Minor Relaxation of Plot Ratio Restriction in “Comprehensive Development Area” Zone, Various Marine / Private Lots and Adjoining Government Land at Yau Tong Bay, Yau Tong
(MPC Paper No. A/K15/112)

41. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup), Urbis Ltd. and Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. 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 Arup. had sponsored some activities of the Institute |
| Professor P.P. Ho | - having current business dealings with Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. |
| Mr Dominic K.K. Lam | - having current business dealings with ARUP and Urbis Ltd. |
| Mr Patrick H.T. Lau | - having current business dealings with ARUP and Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. |

42. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. Members noted that the applicant had requested for deferment of consideration of the application and Professor S.C. Wong, Messrs Dominic K.K. Lam and Patrick H.T. Lau had no involvement in the application, Members agreed that they could stay in the meeting.

43. The Secretary reported that the applicant's representative on 27.2.2014 requested for deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of various Government departments. This was the first time that the applicant requested for deferment.

44. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/307 Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Two Car Parking Spaces and Ancillary Plant Room Uses in a Proposed Residential Development in "Residential (Group C) 1" Zone, 6 Devon Road, Kowloon Tong
(MPC Paper No. A/K18/307)

45. The Secretary reported that Lanbase Surveyors Ltd. was the consultant of the applicant. Mr Patrick H.T. Lau had declared interest in this item as he had current business dealings with the consultant. As Mr Lau had no involvement in the subject application, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

46. With the aid of a Powerpoint presentation, Ms S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room uses in a proposed residential development;
- (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, one public comment was received. The commenter considered that there was no need to construct a basement for parking uses as parking spaces were normally provided at the side of residential developments in the vicinity. Moreover, the proposed basement might have adverse impacts on the structural safety and maintenance of the proposed residential development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. With regard to the public comment on the structural safety and maintenance of the proposed residential development, the Chief Building Surveyor/Kowloon, Buildings Department (BD) advised that the applicant would be required to submit building plans for the proposed residential development, and the structural safety issue would be duly considered by BD in the building plans vetting process.

47. Members had no question on the application.

Deliberation Session

48. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.3.2018, 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 vehicular access and car parking spaces of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board.”

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

- “(a) to apply to the District Lands Officer/Kowloon East, LandsD (DLO/KE, LandsD) for lease modification and consent under the lease for the proposed development and to note the comments of DLO/KE, LandsD that there is no guarantee at this stage that the lease modification and consent under lease would be approved even though planning permission is given by the Town Planning Board as every case would be considered on its own merits. If the application for lease modification and consent is approved by LandsD in the capacity as landlord at its sole discretion, it will be subject to those terms and conditions, including the payment of a premium as appropriate, as imposed by LandsD;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings

Department (CBS/K, BD) that PNAP APP-2 spells out the criteria on the application of Building (Planning) Regulation (B(P)R) 23(3)(b) in respect of car parking spaces, associated ramps and facilities; 100% gross floor area (GFA) concession may be granted for underground private car parks while only 50% GFA concession may be granted for aboveground private car parks; in assessing whether the car parking space could be disregarded from GFA calculation, the Building Authority (BA) will make reference to the Hong Kong Planning Standards and Guidelines and the advice of C for T and any excessive car parking spaces and associated spaces (i.e. ramp, driveway, etc.) should be included in GFA calculation; the granting of GFA concessions for non-mandatory/non-essential plant rooms and services, etc. are subject to compliance with relevant acceptance criteria, requirements, prerequisites, overall GFA cap, etc. as set out in relevant PNAPs; and the applicant should appoint an Authorised Person to submit plans for BA approval in accordance with the requirements of the Buildings Ordinance, including :

- (i) adequate means of escape in case of fire in particular two exits should be provided at the basement floor. B(P)R 41(1) and Code of Practice for Fire Safety in Buildings 2011 (the FS Code) Part B refer;
 - (ii) adequate access and facilities for persons with a disability should be provided. B(P)R 72 and Design Manual: Barrier Free Access 2008 refer;
 - (iii) adequate fire resistance construction should be provided. Building (Construction) Regulation 90 and the FS Code Part C refer; and
 - (iv) provision of service lane for domestic building in compliance with B(P)R 28;
- (c) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission

of general building plans. In addition, the arrangement of emergency vehicular access shall comply with Section 6, Part D of the FS Code which is administered by the Buildings Department; and

- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should maximize the at-grade greening opportunities, especially at the frontage of the development, to improve the landscape and visual amenity of the proposed development. At-grade landscape planting should be proposed instead of potted plants.”

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/308 Renewal of Planning Approval for Temporary “School (Kindergarten and Child Care Centre)” for a Period of 3 Years in
“Residential (Group C) 1” Zone, 14 Essex Crescent, Kowloon Tong
(MPC Paper No. A/K18/308)

Presentation and Question Sessions

50. Ms S.H. Lam, STP/K, said that replacement page 8 of the Paper was tabled at the meeting for Members’ information. Ms Lam said that paragraph 8.1.1(e) of the Paper was deleted to reflect the latest comment of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD). She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of the temporary planning approval under Application No. A/K18/281 for a school (kindergarten and child care centre);
- (c) departmental comments – departmental comments were set out in

paragraph 8 of the Paper and summarized as follows:

- (i) DLO/KE, LandsD objected to the application. DLO/KE, LandsD commented that the use of the premises as a school (kindergarten and child care centre) was in breach of the lease conditions governing the subject lot. In giving comments on the previous planning application (No. A/K18/281), DLO/KE, LandsD had pointed out that the use was in breach of the lease condition and the applicant was required to apply for the Director of Land's approval for the school use under lease. However, no such application had been received. For the above reason, the present renewal application for school (kindergarten and child care centre) was not agreeable;
- (ii) the Commissioner for Transport (C for T) was not convinced that the proposed school would not create adverse traffic impact, and could not accept the application from traffic engineering point of view at this stage. C for T pointed out that existing schools in the vicinity of Essex Crescent had generated huge amount of kerbside pick-up/drop-off activities of students by private cars during school peak hours, creating undue interruption to the traffic. The Traffic Impact Assessment (TIA) submitted by the applicant did not propose mitigation measure to avoid aggravating the traffic condition during school peak hours. The road and junction capacity reported in the TIA were theoretical ones and had not accounted for the effect of current rampant kerbside pick-up/set-down activities. The applicant's proposal to deploy staff to regulate traffic at start and end of school time did not relieve C for T's concern on the adverse traffic impacts generated from continuing operation of the school. C for T maintained his stance that the applicant should propose further mitigation measures to minimize traffic impacts; and
- (iii) the Commissioner of Police had reservation on the current renewal application from the traffic policing point of view as the existing

school network in the Kowloon Tong area had encountered tremendous traffic issue, especially during the school on/off hours. The existing school network in the Kowloon Tong area, which created tremendous kerbside activities, was detrimental not only to the minor roads in the vicinity but also to Waterloo Road, the strategic road, particularly at morning peak. The applicant, being one of the stakeholders causing rampant loading/unloading activities threat, should bear the responsibilities to implement mitigation measures to minimize the adverse traffic situation;

- (d) during the first three weeks of the statutory publication period, eight public comments were received objecting to the application. The comments were submitted by a Kowloon City District Council member (Mr Ho Hin-ming), nearby resident, adjacent kindergarten and its parent teacher association, consultants who stated that they acted on behalf of nearby residents and an individual. The major views were summarized as follows:
- (i) the number of kindergartens in the Kowloon Tong area had reached a saturated point, affecting the residential character of the Kowloon Tong area. The supply of schools in the area was excessive and any extra school or kindergarten was unnecessary;
 - (ii) there were too many schools including kindergartens in Kowloon Tong. Traffic in the area was already over the capacity of the road during peak hours due to the abundant amount of on-street picking-up/dropping-off of students by private cars, which worsened the traffic and posed risk/danger to the safety and well-being of the students, pedestrians and residents. The kindergarten had further aggravated the existing traffic congestion in the area as it was situated right at the bottle neck of the through traffic of the whole district connecting Cumberland Road, Essex Crescent and Surrey Lane;

- (iii) the submitted TIA had not considered the traffic congestion problem; off-street parking and pedestrian safety problem generated and no mitigation measures had been proposed. Based on a traffic survey conducted by a commenter, some traffic issues were identified including picking-up/dropping-off activities outside the kindergarten campus, environmental and safety issues, impacts of learner drivers in the area and traffic congestion in front of the kindergarten. Without properly addressing these traffic issues, the application was not acceptable on traffic grounds; and
 - (iv) the area was already subject to air and noise pollution generated by the increased traffic which would harm the health of the students and residents in the vicinity. The application should not be approved; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper.
 - (i) C for T was not convinced that the proposed school would not create adverse traffic impact, and could not accept the application from traffic engineering point of view at this stage. C for T pointed out that effective mitigation measures were not proposed in the applicant's TIA to minimize the kerbside activities caused by the kindergarten;
 - (ii) the Commissioner of Police had reservation on the current renewal application from the traffic policing point of view as the existing school network in the Kowloon Tong area had encountered tremendous traffic issue, especially during the school on/off hours;
 - (iii) taking into account possible adverse traffic impact brought about by the proposed use and the lack of mitigation measures to address the traffic problem, and in view of C for T's objection and C of P's reservation on renewing the planning permission, it was considered

that the application did not comply with the assessment criteria as set out in the Town Planning Board Guidelines No. 23A for 'Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate' (TPB PG-No. 23A). Moreover, the implementation of the agreed landscape and tree preservation proposal under the approval condition of the previous planning application No. A/K18/281 had not been complied with. In this regard, the application did not comply with the TPB PG-No. 34B on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' in that the applicant had not made genuine efforts to comply with the planning conditions. In the last application, the applicant was advised to apply to DLO/KE, LandsD for school use on the site under the lease, but the applicant had not submitted any application to LandsD in the past three years. In this regard, DLO/KE, LandsD objected to the renewal of the application; and

- (iv) since the promulgation of the revised TPB PG-No.23A in March 2011, four applications had been rejected mainly on the grounds that the proposed school/child care centre developments were not in compliance with the TPB PG-No. 23A in that possible adverse traffic impacts were anticipated and no effective traffic mitigation measures were proposed to mitigate the impacts, and that approval of the applications would set undesirable precedent for similar applications in the area.

51. In response to the Chairman's question, Ms S.H. Lam said that there was no change in the scale of the kindergarten as compared to the previous approved scheme in 2011.

52. In response to the Chairman's question on the deficiency of the TIA submitted by the applicant, Mr Wilson Pang, the Chief Traffic Engineer/Kowloon, Transport Department (TD) said that TD was not satisfied with the applicant's TIA for the following reasons: (i) the road and junction capacity reported in the TIA were theoretical ones and had not accounted

for the effect of current rampant kerbside pick-up/set-down activities. The kerbside pick-up/set-down activities in the vicinity were creating significant loss to the road capacity; and (ii) the applicants did not propose measures to ensure that all loading/unloading activities would be done within campus so as to minimize the traffic impact.

53. As the school had been in operation for three years, the Chairman enquired whether the applicant had adopted any measures to encourage more students to take school bus, so as to reduce the traffic caused by the private cars. Ms S.H. Lam said that the applicant had only provided the number of students taking school bus in the submission.

54. A Member said that the operation of kindergartens and child care centres had caused major traffic congestion in the Kowloon Tong area. As the kindergarten under current application had been in operation for six years, this Member enquired whether TD had observed any changes in the traffic condition in the area over the past few years and whether TD had undertaken any comprehensive traffic assessment for the Kowloon Tong area. In response, Mr Wilson Pang said that the applicants of any planning application for kindergarten and child care centre would be required to undertake TIA to demonstrate if the proposed development would not cause any adverse traffic impact on the area. Mr Pang further said that TD had not undertaken any comprehensive traffic assessment for the Kowloon Tong area but was monitoring the traffic situation in the area on a regular basis.

55. Noting that the planning permission for the kindergarten would expire soon, a Member enquired whether the school would need to cease operate if the renewal of the current application was rejected by the Committee. In response, the Secretary said that a school operator had to apply to the Education Bureau for school registration and a Certificate of Registration would be issued to the school operator. In general, the Certificate would be effective till the end of the school term. As such, the school would not cease operate immediately even if the renewal of planning application was rejected by the Committee. The Secretary also said that the applicant should be advised to submit further information in order to address TD's and C of P's concerns on traffic issues.

Deliberation Session

56. A Member opined that TD should be requested to undertake a comprehensive traffic survey and assessment for the Kowloon Tong area. The findings of the assessment could serve as a basis for the Committee to consider further applications for kindergarten and child care centre use in the area and whether mitigation measures should be adopted to improve the traffic of the area. Two Members shared the same views.

57. A Member said that for other similar renewal applications for kindergarten, PlanD should remind the applicant to undertake a TIA to demonstrate that the proposed development would not cause any adverse traffic impact on the area. Another Member echoed the same view.

58. In response to a Member's question, the Secretary said that the Certificate of Registration of a School would only be issued to a school which had met the requirements of the concerned Government departments including PlanD. If the planning approval lapsed, the operation of the school would likely be tolerated until the end of school term and the children attending the school would not be affected immediately.

59. In order to address TD's and C of P's concern, the Committee agreed that PlanD and TD should liaise with the applicant on the revision of the TIA which could be considered by the Board at the section 17 review stage.

60. In response to Members' suggestion that TD should undertake a comprehensive traffic study for the Kowloon Tong area, Mr Wilson Pang said that TD had been monitoring the traffic condition and adopted traffic management measures to minimize the traffic congestion in the Kowloon Tong area. He also said that it would be the responsibility of the applicant to undertake a TIA to demonstrate if the proposed development would cause any adverse traffic impact on the area and to propose necessary mitigation measures.

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

- “(a) the Traffic Impact Assessment submitted by the applicant is not acceptable. The application does not comply with the Town Planning Board Guidelines No. 23A in that adverse traffic impacts are anticipated and no effective traffic mitigation measures are proposed to mitigate the impacts; and
- (b) the approval of the application without satisfactory and effective measures to address the possible traffic impact would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion problem of the area.”

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

Agenda Item 15

Any Other Business

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