

TOWN PLANNING BOARD

Minutes of 515th Meeting of the Metro Planning Committee held at 9:00 a.m. on 11.7.2014

Present

Director of Planning
Mr K. K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Mr Laurence L.J. Li

Mr Dominic K.K. Lam

Dr Wilton W.T. Fok

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Sunny L.K. Ho

Mr Patrick H.T. Lau

Mr Stephen H. B. Yau

Mr Francis T. K. Ip

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

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

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

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

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Professor P.P. Ho

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Frankie W.C. Yeung

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Ms Johanna W.Y. Cheng

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

Agenda Item 1

Confirmation of the Draft Minutes of the 514th MPC Meeting held on 27.6.2014

[Open Meeting]

1. The draft minutes of the 514th MPC meeting held on 27.6.2014 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

[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 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K2/208 Proposed Hotel in “Residential (Group A)” Zone,
294-296 Shanghai Street, Yau Ma Tei
(MPC Paper No. A/K2/208)

3. The Secretary reported that Lawson David & Sung Surveyors Ltd. was the consultant of the applicant. Ms Bonnie J.Y. Chan had declared an interest in this item as she had current business dealings with the consultant. Members noted that Ms Chan had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

4. 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;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication period, one public comment was received objecting to the application on the grounds of limited traffic capacity, adverse impacts on pedestrian safety and the impact on the supply of land for residential use; 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 which were summarized below:
 - (i) the site was located within a predominant residential neighbourhood. While the proposed hotel development with a plot ratio of 9 and a building height of 58.25mPD was considered not incompatible with the surrounding developments in land use term, the prevailing shortage of land for housing development should be an important factor in considering the application;
 - (ii) in view of the current acute shortage of housing land, sites planned for residential use should generally be retained for residential development, except where the site was conducive for hotel use or the hotel development was to meet a specific planning objective. Considering that the site was currently occupied by two residential

buildings and was zoned “Residential (Group A)” (“R(A)”), which was intended primarily for high-density residential development, the proposed redevelopment for hotel use would result in reduction of sites available for residential developments and the supply of housing land in meeting the pressing housing demand over the territory. The applicant failed to provide strong justification to demonstrate that the site was very conducive for hotel development or the proposed development would meet a specific planning objective; and

- (iii) regarding the applicant’s argument in paragraph 2(h) of the Paper that similar hotel applications in the “R(A)” zones of Yau Ma Tei Outline Zoning Plan were previously approved by the Metro Planning Committee (the Committee), the Committee had a thorough discussion on the implications of approving applications for hotel developments on “R(A)” sites at its recent meetings, and agreed that, in view of the current shortage of housing land in meeting the pressing housing demand of the community, applications for non-residential uses including hotel and office in a predominant residential area would generally not be supported unless the site was very conducive for hotel development and with very strong justifications. While some applications for hotel developments were approved in the Yau Ma Tei area in the past, the current application should be assessed with reference to the latest planning circumstances and the prevailing needs of the community for housing land; and
- (iv) as regards the public comment objecting to the application on the grounds of traffic, pedestrian safety and shortage of residential land supply, the Commissioner for Transport had no in-principle objection to the application.

5. In response to the Chairman’s question, Ms Michelle M.S. Yuen said that among 20 similar applications for hotel developments in “R(A)” zone in Yau Ma Tei since 2000,

four of them were rejected. One application was rejected by the Committee mainly because the proposed hotel development exceeded the maximum plot ratio restriction for non-domestic building in “R(A)” zones. Other applications were rejected by the Committee based on the reasons that (i) the proposed hotel was considered incompatible with the domestic use within the subject building as the proposed access to the hotel use was not separated from that of the domestic portion of the building; and (ii) there was inadequate provision of internal transport facilities for the proposed hotel development.

6. In response to the Vice-chairman’s question, Ms Michelle M.S. Yuen said that the applicant was not the current land owner of the application site but he had complied with the requirements as set out in the Town Planning Board Guidelines on ‘Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance’ by posting site notice.

Deliberation Session

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

- “(a) the application site is located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory; and
- (b) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.”

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

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/414 Shop and Services in “Industrial” Zone, Unit B1, Ground Floor,
Mai Wah Industrial Building, 1-7 Wah Sing Street, Kwai Chung
(MPC Paper No. A/KC/414)

Presentation and Question Sessions

8. With the aid of a PowerPoint presentation, Ms Fannie F.L. Hung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication periods of the application and the further information, one public comment was received from the Mai Wah Industrial Building Owners’ Concern Group objecting to the application mainly on the grounds that the use of external wall and the shop and services use breached the Deed of Mutual Covenant (DMC) of the subject industrial building; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis based on the assessments set out in

paragraph 11 of the Paper. In order not to jeopardise the long-term planning intention of industrial use for the application premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended. As the last approval (Application No. A/KC/402) was revoked due to non-compliance with approval condition, a shorter compliance period was proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application. Regarding the public comment objecting to the application mainly on the grounds that the use of external wall and the shop and services use breached the DMC of the subject industrial building, the applicant was advised to seek their own legal advice to resolve the dispute with other owners on the lot under the DMC.

9. Members had no question on the application.

Deliberation Session

10. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 11.7.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire safety proposals, including fire service installations and equipment and a means of escape completely separated from the industrial portion of the subject industrial building within 3 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 11.10.2014;
- (b) the implementation of fire safety proposals, including fire service installations and equipment and a means of escape completely separated from the industrial portion of the subject industrial building within 6 months from the date of the approval to the satisfaction of the Director of

Fire Services or of the TPB by 11.1.2015; 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years is given in order to allow the Metro Planning Committee (MPC) of the TPB to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area in order to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;
- (c) to note that shorter compliance periods are granted in order to monitor the fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the MPC of the TPB to any further application;
- (d) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) that legal advice should be sought by the applicant to resolve the dispute with other owners of the lot under the Deed of Mutual Covenant;
- (e) to note the comments of the DLO/TW&KT, LandsD that if the application is approved by the TPB, the owner should apply to his office for a modification/temporary waiver for shop and services use. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be approved by LandsD;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) 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 Building Ordinance (BO) section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those stipulated in BO section 41; and this planning approval should not be construed as an acceptance of any unauthorized building works at the subject site and BD reserves a right for enforcement action under the BO;
- (g) 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 and the applicant is reminded to comply with the Code of Practice for Fire Safety in Buildings which is administered by the Building Authority; and
- (h) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed and the provision of certificate of compliance FSI/314A for the sprinkler modification in the subject premises in order to comply with the approval condition on the provision of fire service installations."

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

[Mr Derek W.O. Cheung, Senior Town Planner/ Housing & Office Land Supply (STP/HOLS) was invited to the meeting at this point.]

Housing & Office Land Supply Section

Agenda Item 5

[Open Meeting]

Further Consideration of the Draft Planning Brief for the “Comprehensive Development Area” Site at the Exhibition Station Site of the Shatin to Central Link in Wan Chai North
(MPC Paper No.15/14)

Presentation and Question Sessions

12. With the aid of a PowerPoint presentation, Mr Derek W.O. Cheung, STP/HOLS, presented the proposed amendments as detailed in the Paper and covered the following main points :

Background

- (a) on 9.5.2014, the Committee considered the draft Planning Brief (PB) for the Exhibition Station Site of the Shatin to Central Link (SCL) in Wan Chai North which was zoned “Comprehensive Development Area” (“CDA”) and agreed that the draft PB was suitable for consultation with the Task Force on Harbourfront Developments on Hong Kong Island of the Harbourfront Commission (TFHK) and the Development, Planning and Transport Committee (DPTC) of the Wan Chai District Council (WCDC);
- (b) the TFHK and the DPTC of the WCDC were consulted on the draft PB on 19.5.2014 and 10.6.2014 respectively;

The HKTF and WCDC’s views on the Draft PB

- (c) TFHK generally had no adverse comments on the draft PB. The following comments were raised:
 - (i) underground commercial space of the development should be taken into account when the Government studied the proposed underground space under the Victoria Park, so as to attract tourists

and reduce pedestrian flow at the ground level;

- (ii) provision of only one pedestrian linkage from the podium level to Wan Chai North planned in the draft PB was not sufficient and pedestrian connections should be provided at different levels;
 - (iii) more flexibility should be allowed in the draft PB to facilitate the future proponent to achieve better interface with the study area under the Urban Design Study for the Wan Chai North and North Point Harbourfront Areas; and
 - (iv) ground level development should be different from the standard design of public transport interchange (PTI) and become an iconic public facility which could achieve better than usual streetscape enhancement. Collaboration among government departments, Mass Transit Railway (MTR) Corporation and the future proponent should be encouraged in this regard;
- (d) the WCDC members had no adverse comments on the draft PB, with some comments on the traffic flow and design aspect. Their views were summarized as follows:
- (i) the traffic flow was very congested in the Wan Chai North area. Future development should pay attention to the possible adverse traffic impact on the existing road network; and
 - (ii) future design of the public toilet and store room should incorporate green features;

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

Responses to Comments Raised by TFHK

- (e) the underground space of the site would be occupied by the Exhibition

Station. The Planning Department (PlanD) would reflect Members' suggestion on underground space development to relevant Government bureaux/departments in undertaking the 'Pilot Study on Underground Space Development in Selected Strategic Urban Areas', under which Admiralty/Wan Chai, Causeway Bay, Happy Valley and Tsim Sha Tsui West had been identified as the selected strategic areas;

- (f) the pedestrian link at podium level to the waterfront promenade via the proposed landscaped deck formed part of the comprehensive pedestrian network connecting the site with the Wan Chai hinterland and the harbour front. The pedestrian linkage to the Hong Kong Convention and Exhibition Centre (HKCEC) Extension at podium level would also enhance the pedestrian connection with Wan Chai North. The applicant was required to propose and indicate clearly in the Master Layout Plan (MLP) the pedestrian connections from the entrances/exits of the Exhibition Station to the podium level to ensure smooth pedestrian flow at all levels. Apart from these, the applicant was required to examine the pedestrian connectivity at ground level between the site and the surrounding areas including the waterfront area to the north and to include any enhancement proposal in the MLP submission;
- (g) under the draft PB, apart from the stipulation of maximum building height of 50mPD, planning requirements on various aspects particularly those on urban design, landscaping and pedestrian connection had been set out to guide the design of the future development. Flexibility had been allowed for the applicant to provide an innovative and integrated development scheme commensurate with the waterfront setting and complementing the building of the HKCEC Extension and the future waterfront promenade, while at the same time ensuring compliance with the requirement stated in the PB;
- (h) the design of the ground level development including the PTI had to be integrated with the overall layout and building design of the development at the site. The applicant would be required to integrate the design of the topside development with that of the railway station facilities/ventilation

shafts exposed above ground to the north, the ventilation building to the east abutting Tonnochy Road, and the railway station entrances at the ground and podium levels. To improve the streetscape, the applicant would also be required to provide high quality paving, street furniture, lighting, tree planting and greening at street level. All of these details had to be included in the MLP submission to the Board;

- (i) the draft PB provided guidance on the proposed development of the site with relevant requirements set out to facilitate the preparation of a MLP. The applicant was required to submit details of the proposed design and the associated technical assessments in form of a MLP through a planning application to the Board. Through the MLP submission, the Board would be able to scrutinise the future development scheme and its compliance with the requirements as set out in the PB;

Responses to Comments Raised by WCDC Members

- (j) the proposed meeting and convention facilities of the topside development would generate less traffic as compared with exhibition use. As the construction of the topside development would only be commenced after completion of the Exhibition Station, the traffic condition in Wan Chai North would be improved by that time with the opening of the Shatin to Central Link, Central-Wan Chai Bypass and completion of road works under Wan Chai Development Phase II (WDII) project. Besides, the applicant was required to submit a Traffic Impact Assessment with mitigation measures proposed, if necessary, as part of the MLP submission to the Board; and
- (k) the requirement for the provision of public facilities in the topside development was clearly indicated in the draft PB. The applicant would need to submit a MLP to demonstrate how the public facilities could be integrated with the overall design of the entire development.

13. A Member had the following comments/questions on the draft PB:

Pedestrian Linkage at Road P2

- (a) Members of TFHK had rightly pointed out that the provision of only one pedestrian linkage from the podium level of the Exhibition Station Site to Wan Chai North was inadequate. To enable unrestricted pedestrian access between the hinterland and the future waterfront, pedestrian connections should be provided at different levels;
- (b) whether there could be at-grade pedestrian crossing at future Road P2;
- (c) whether building setback requirement for better greening along the future Road P2 could be stipulated in the PB;

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

Landscape Aspect

- (d) WCDC's concern on traffic congestion, and PlanD's response that the traffic condition in Wan Chai North would be improved by that time with the opening of the Shatin to Central Link, Central-Wan Chai Bypass and the completion of road works under WDII project were noted. It was also noted that new pedestrian walkways would be provided to enhance connectivity with the future Wan Chai waterfront. In this regard, it would be appropriate to stipulate an additional requirement in the PB for provision of greening at the pedestrian walkway and footbridges;
- (e) it was necessary to clarify the management and maintenance responsibilities of the greenery to be provided at the Exhibition Station Site and to check whether Development Bureau Technical Circular (Works) No. 10/2013 as stated under 'Landscape Aspect' in the PB was relevant;

Open Space Provision

- (f) there was a requirement for an at-grade public open space of only 1,300m² at the north-western corner of the site but only a minimum coverage of greenery of 30% was stipulated, which was lower than the greening ratio normally adopted for public open space design. Justification should be provided;

14. In response to the Member's comments/questions above, Mr Derek W.O. Cheung made the following main points:

- (a) in general, the PB was prepared to set out major planning considerations and design requirements to guide future development. Nevertheless, flexibility should be allowed for the applicant to provide an innovative development scheme commensurate with the waterfront setting;

Pedestrian Linkage at Road P2

- (b) the provision of an at-grade crossing at the future Road P2 might have implications on the local traffic flow and government departments such as the Transport Department had to be further consulted;
- (c) the building setback requirement at the future Road P2 would be further examined at the detailed design stage;

Landscape Aspect

- (d) the requirement for provision of more greening at the pedestrian walkway and bridges could be explored;
- (e) the maintenance and management responsibilities of the greenery at the Exhibition Station Site were yet to be determined and would be worked out at the detailed design stage;

Open Space Provision

- (f) the ventilation shaft and plant room associated with the Exhibition Station had to be accommodated in the public open space that would pose constraints to the provision of greenery. In order to allow flexibility to the design of these infrastructures, only a minimum requirement of 30% greenery coverage was set out in the PB. However, scope to increase greenery could be examined at the detailed design stage;

[Mr Wilton W.T. Fok arrived to join the meeting at this point.]

15. The Chairman remarked that as there would be a large-scale PTI at the ground level of the site, it might be difficult to require the future proponent of the development to provide building setback at the future Road P2. In addition, most of the future pedestrian flow would likely be at the landscape deck/podium level.

16. The Vice-chairman said that Tsim Sha Tsui East and Tsim Sha Tsui were connected via an underground walkway which brought economic benefits to the commercial developments in these two areas. The Vice-chairman enquired whether the Government would make use of the underground space to connect the hinterland area and the Exhibition Station Site. Mr Derek W.O. Cheung said that government bureaux/departments had been undertaking the 'Pilot Study on Underground Space Development in Selected Strategic Urban Areas'. One of the selected strategic areas was Admiralty/Wan Chai and one proposal being examined was to connect the Southorn Playground and the future Exhibition Station Site with underground space. Members' suggestion would be conveyed to relevant government bureaux/departments for their consideration. The Chairman suggested that the Board should be briefed on the preliminary findings and suggestions of the Pilot Study.

17. A Member said that government departments should also duly consider how the public could gain easy access to the waterfront promenade from the Wan Chai hinterland. The Chairman said that the north-south accessibility between the waterfront promenade and Wan Chai hinterland area would be studied under the 'Urban Design Study for the Wan Chai North Areas'. The Chairman also suggested that the Board should be briefed on the preliminary findings and suggestion of that study.

18. A Member said that the Exhibition Station Site ventilation shaft and plant room to be built at the public open space should adopt a design that would blend in with the future public open space. The Chairman said that Members' concern would be conveyed to the MTR Corporation.

19. In response to the Member's suggestion to stipulate a requirement for providing greening at the pedestrian walkway or footbridges in the draft PB, the Chairman suggested to revise the draft PB accordingly. Members agreed.

Deliberation Session

20. After deliberation, the Committee decided to :
- (a) note the views of the Task Force on Harbourfront Developments on Hong Kong Island of the Harbourfront Commission and Wan Chai District Council as summarised in paragraph 3 of the Paper and detailed in Appendices IV and V of the Paper respectively and PlanD's responses as summarised on paragraph 4 of the Paper; and
 - (b) subject to the revision of the draft PB to address Members' concern in paragraph 19 above, endorse the draft PB at Appendix I of the Paper.

[The Chairman thanked Mr Derek W.O. Cheung, STP/ HOLS, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Hong Kong District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/H3/415 Proposed Minor Relaxation of Building Height Restriction from 160mPD to 165mPD for Permitted Flat Use in "Residential (Group A)" Zone and an Area shown as 'Road', 73-73E, Caine Road, Mid-Levels
(MPC Paper No. A/H3/415C)

Presentation and Question Sessions

21. The Committee noted that the applicant's representative requested on 30.6.2014 for deferment of the consideration of the application for two months in order to allow time for the applicant to verify the findings of the Air Ventilation Assessment (AVA) and explore alternative improvement measures to enhance the quality of street environment of the subject site. This was the applicant's fourth request for deferment.

22. 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. Since it was the fourth deferment of the application, the Committee agreed to advise the applicant that the Board had allowed a total of eight months for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

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

Kowloon District

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/701 Shop and Services (Real Estate Agency) in "Other Specified Uses" annotated "Business" Zone, Workshop No. 2, G/F, Crown Industrial Building, 106 How Ming Street, Kwun Tong
(MPC Paper No. A/K14/701)

Presentation and Question Sessions

23. With the aid of a PowerPoint presentation, Ms Karen F.Y. Wong, STP/K, presented the application and covered the following aspects as detailed in the Paper :

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication period, one public comment was received from the Chairman of Kwun Tong Central Area Committee who supported the application without giving reasons; 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. As the previous approval was revoked due to non-compliance with approval condition, a shorter compliance period was proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application. The supportive public comment was noted.

24. Members had no question on the application.

Deliberation Session

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

- “(a) the submission of the proposal for fire safety measures, including the provision of a means of escape completely separated from the industrial portion of the subject industrial building and fire service installations and equipment at the application premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 11.10.2014;
- (b) the implementation of the proposal for fire safety measures, including the

provision of a means of escape completely separated from the industrial portion of the subject industrial building and fire service installations and equipment at the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 11.1.2015; 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note that a shorter compliance period is granted in order to monitor the fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Metro Planning Committee of the TPB to any further application;
- (c) apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the proposed ‘shop and services (real estate agency)’ use at the application premises;
- (d) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department (BD), and to observe the TPB’s ‘Guidance Notes on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’; and
- (e) to note the comments of the Chief Building Surveyor/Kowloon, BD that the applicant should engage an Authorized Person to ensure any building works/alterations and additions works/change of use are in compliance with

the Buildings Ordinance (BO), in particular, the provision of access and facilities for persons with a disability; for unauthorized building works (UBW) erected on private lands/buildings, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the application site under the BO; the removal of the disable ramp and disable lavatory at the premises should be in compliance with the BO; and detailed comments under the BO can only be formulated at the building plan submission stage.”

[The Chairman thanked Ms Karen F.Y. Wong, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 8

Any Other Business

27. There being no other business, the meeting closed at 9:50 a.m.