

## **TOWN PLANNING BOARD**

### **Minutes of 523<sup>rd</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 14.11.2014**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Frankie W.C. Yeung

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 (R1), 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 Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr Francis T.K. Ip

**In Attendance**

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

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

Town Planner/Town Planning Board  
Miss Floria Y.T. Tsang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 522<sup>nd</sup> MPC Meeting held on 31.10.2014

[Open Meeting]

1. The draft minutes of the 522<sup>nd</sup> MPC meeting held on 31.10.2014 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that on 13.11.2014, the Court of Appeal (CA) had allowed two appeal (CACV 232 and 233/2012) lodged by Hysan group of companies regarding two judicial review (JR) applications against the decision of the Town Planning Board (the Board) on the draft Causeway Bay Outline Zoning Plan (OZP) No.S/H6/15 and the draft Wan Chai OZP No. S/H5/26 respectively. The CA on the same day also dismissed the appeal by the Board (CACV 127/2012) regarding three JR applications lodged by Oriental Generation Limited (OGL) in respect of the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/26 and S/K13/27. In view of the above, the CA considered it unnecessary to grant leave for the cross-appeal lodged by OGL (CACV 129/2012). Details of the judgement would be reported in the later Board meeting.

[Mr Lawrence Y.C. Chau, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Ms Michelle M.S. Yuen, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), Mrs Sorais S.K. Lee, Project Manager, Home Affairs Bureau (PM, HAB) and Ms Kathy C.L. Chan, Senior Town Planner/West Kowloon Cultural District (STP/WKCD), HAB were invited to the meeting at this point.]

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/121 Proposed Minor Relaxation of Gross Floor Area and Building Height Restrictions in “Open Space”, “Other Specified Uses” annotated “Arts, Cultural, Entertainment and Commercial Uses”, “Other Specified Uses” annotated “Mixed Uses”, “Other Specified Uses” annotated “Electricity Substation”, “Other Specified Uses” annotated “Airport Railway Ventilation and Traction Substation Building” and “Other Specified Uses” annotated “Western Harbour Crossing Ventilation Building” Zones, West Kowloon Cultural District, Kowloon  
(MPC Paper No. A/K20/121B)

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3. The Secretary reported that Llewelyn Davies Hong Kong Ltd. (LD), Mott MacDonald Hong Kong Ltd. (MMHK) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. The following Members had declared interests in this item:

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|-----------------------|---|
| Mr Patrick H.T. Lau   | - having current business dealings with LD and MVA;                                 |
| Mr Dominic K.K. Lam   | - having current business dealings with MMHK and MVA; and                           |
| Ms Julia M.K. Lau     | - having current business dealings with MVA.  |
| Mr Frankie W.C. Yeung | - being the adviser of the Xiqu Centre of the West Kowloon Cultural District (WKCD) |

4. The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting and Mr Yeung had yet arrived at the meeting. As Mr Lam and Ms Lau had no involvement in the application, the Committee agreed that they could stay in the

meeting.

### Presentation and Question Sessions

5. Ms Michelle M.S. Yuen, STP/TWK, reported that there was a typographical error in paragraph 9.1.16 (pg. 20) of the Paper. The proposal was discussed at the Yau Tsim Mong District Council (YTMDCC) on 27.2.2014 instead of 27.12.2014.

6. With the aid of a PowerPoint presentation, Ms Yuen presented the application and covered the following aspects as detailed in the Paper :

#### *The Proposal*

- (a) the application was for relaxing the maximum total gross floor area (GFA) restriction of the WKCD from 740,350m<sup>2</sup> to 851,400m<sup>2</sup> (about +15%) (equivalent to a plot ratio (PR) to be increased from 1.81 to 2.08) and relaxing the building height (BH) restriction (by 7-14mPD) (+10% to +20%) within the height bands of 50mPD and 70mPD as stipulated in the Development Plan (DP) in various "Other Specified Uses" annotated "Arts, Cultural, Entertainment and Commercial Uses" ("OU(ACECU)"), "Other Specified Uses" annotated "Mixed Uses" ("OU(MU)") and their sub-zones with a view to optimising the development potential of the WKCD site;

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

- (b) the increase in GFA was on a pro-rata basis for different uses of arts and cultural, retail/dining/entertainment (RDE) and Government, institution or community (GIC) (+15%), and hotel/office/residential (HOR) (+15%) within WKCD, and hence a resultant increase of the BH in various sub-zones. For the increase in GFA, a higher percentage was distributed to "OU(ACECU)3" (+36.7%) and "OU(ACECU)4" (+45.9%), which were in a closer proximity to the West Kowloon Terminus (WKT). There was an increase in residential GFA in "OU(MU)2" (+23.3%), "OU(MU)3" (+33.2%), "OU(MU)4" (+17.6%) and "OU(MU)7" (+39.2%) in a more

central location of WKCD;

- (c) the current application proposed to revise the numbers of car parking spaces from the range of 2,885 – 3,613 to 2,175 - 2,845, based on the new standards in Chapter 8 of the Hong Kong Planning Standards and Guidelines (HKPSG) promulgated in February 2014 and implementation of the proposed car parking sharing strategy;

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

- (d) 23ha of public open space, a minimum green coverage of 30% and 60% for the whole WKCD and the Park respectively, and the urban design concept would be maintained. The open air environmental friendly transport system (EFTS) corridor originally reserved in the DP along the northern boundary of WKCD was proposed to be deleted. Instead, public electricity bus (e-bus) service was proposed as an appropriate form of EFTS. The footprints of developments along the original EFTS reserve corridor, mainly along the Austin Road West Underpass, would be extended to partially take up the space;

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

- (e) the application would realise WKCD's potential in providing more arts and cultural facilities as advocated by the arts and cultural sectors, as well as to increase the floor areas for residential and commercial uses in WKCD. This would bring sufficient flow of visitors to WKCD and improve the financial situation of WKCD. The justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

*Departmental Comments*

- (f) departmental comments were set out in paragraph 9 of the Paper and summarised as follow:

- (i) the planning application was supported by HAB as it would provide more space for arts and cultural facilities which had all along been requested by the local arts community;
- (ii) the Commissioner for Transport (C for T) has no in-principle objection to the application. The applicant should devise the implementation and operation arrangements, including ascertaining the legal basis and institutional structure, to ensure the implementation of the sharing of car parking spaces in the concerned land lots;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered the proposed increase in BH was not unacceptable in terms of visual compatibility with the existing urban settings. The 20% building-free zone as viewed from Central Star Ferry Pier No. 7 might be affected as a result of the proposed increase in BH. Nevertheless, judging from the relevant photomontage, direct impact on the integrity/continuity of the ridgeline resulting from the proposed minor relaxation of BH restriction seemed insignificant in visual terms. The BHs as shown on the photomontages however reflected the permissible BHs at main roof level. In order to ensure that the integrity of the remaining ridgeline was properly safeguarded, particularly as viewed from Pier No. 7, a mechanism to prevent any rooftop projection related to the future development within sensitive sub-zones from exceeding the BH restriction should be considered. CTP/UD&L, PlanD also had no objection to the application from the landscape planning and air ventilation point of view;
- (iv) the Chief Architect, Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) commented that the applicant should closely monitor and encourage future developments to introduce more BH variation at the detailed design stage. The proposed developments near the Park at the western part of WKCD

might pose visual impact on people using the Park and those travelling on Victoria Harbour. The applicant should ensure this issue was properly addressed and resolved at the detailed design stage;

- (v) the Director of Environmental Protection (DEP) had no objection to the application from environmental perspective as the submissions had demonstrated that the changes to the environmental impacts of the proposed development were insignificant, or less than those predicted in the approved Environmental Impact Assessment report for WKCD (EIAO Register No. AEIAR-178/2013); and
- (vi) the District Officer (Yau Tsim Mong) advised that during the meetings and briefing to YTMDC, its members and owners of the concerned residential buildings raised concerns on the proposed BHs, traffic impacts, and air ventilation brought about by the proposal;

*Public Comments*

- (g) during the first three weeks of the statutory publication period of the application and the further information, a total of 610 public comments were received, of which majority objected to the application;
- (h) the main views of the opposing comments were summarised below:
  - (i) no public engagement in the preparation of the current proposal. Also, the proposal of increasing the maximum BH would affect the views of the adjacent buildings and towards the mountain backdrop from Tsim Sha Tsui or Hong Kong Island;
  - (ii) the baseline assumption of the traffic forecast for the Traffic Impact Assessment, traffic demand to Tsim Sha Tsui and WKCD in the next 20 years should be included, clarified and elaborated;
  - (iii) the evidence that the design quality in terms of air ventilation



performance at the surrounding areas would not be compromised by the proposed increase of development intensity at WKCD should be provided;

- (iv) technical justification that the traffic increase would not affect the noise and air quality of surrounding residential developments due to the proposed opening of Austin Road West Underpass should be provided;
  - (v) the proposal would devalue the property value of nearby developments; and
  - (vi) the increase of development intensity would increase the risk of fire hazard at Kowloon Station Public Transport Interchange (PTI), Austin Road West Underpass and surrounding residential developments, and would increase the foundation requirement of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) Station;
- (i) five commenters who raised concerns on the application, including the Western Harbour Tunnel Company Limited, were concerned on tunnel structures and underground utilities of the West Harbour Crossing (WHC); no justification for increasing the PR that had been agreed with the community; and the additional GFA would have cumulative impact on the surroundings;
  - (j) two supporting comments were received. The Central & Western Concern Group suggested that the correct approach was to amend the OZP and give the public more time and a statutory opportunity to give their views. The other supporting comment was from a private individual who pointed out that the high density would make the area more lively and vibrant;
  - (k) three public comments that had no objection to the application were from private individuals, who indicated that the proposed increase in GFA would help the local cultural and arts development, and expected the project to be

commenced as soon as possible;

*Comments from the Harbourfront Commission*

- (l) the West Kowloon Cultural District Authority (WKCDA) should avoid deviating from the community consensus unless strong justifications were provided;
- (m) the minor relaxation of the BH restriction was mainly for increasing the residential and commercial GFA but the amount of public open space was not proportionally adjusted. The proposed increase of GFA was not minor and WKCDA should provide more information to justify the case;
- (n) the proposed increase in GFA might not need to be achieved through relaxation of BH restriction and WKCDA could consider better utilising the underground space; and

*PlanD's Views*

- (o) PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper and summarised as follow:
  - (i) the overall planning and design concept of WKCD would not be compromised, and the technical assessments concluded that there would be no adverse impact on the infrastructural capacity, urban design and air ventilation aspects. The proposed increase in total GFA (+15%) could be considered as minor and acceptable from land use planning perspective;
  - (ii) the merits of the application were that the additional arts and cultural facilities would help meeting the public aspirations and the demand of local art groups and communities. The proposed increase of GFA would also provide more office and residential supply to help meeting the imminent demand;

- (iii) taking into account various planning and urban design considerations, the 15% increase in total GFA was reasonably distributed to various sub-zones in WKCD. A higher percentage is distributed to “OU(ACECU)3” (+36.7%) and “OU(ACECU)4” (+45.9%) which were in close proximity to WKT. The increase in more GFA in these two sub-zones would create a better synergy with the future commercial, office and retail uses atop WKT. As for the increase in residential GFA in “OU(MU)2” (+23.3%), “OU(MU)3” (+33.2%), “OU(MU)4” (+17.6%) and “OU(MU)7” (+39.2%) which were in a more central location of WKCD, this would promote and enrich the vibrancy of the arts and cultural district day and night. This would also in turn increase the patronage for the arts and cultural facilities as well as the retail and dining facilities, helping to sustain the viable operation of WKCD;
- (iv) the increase in BH was mostly proposed for the sub-zones away from the waterfront, except for some of the “OU(MU)” sub-zones. The proposed increase in BH was considered generally not incompatible and not out of context with the nearby developments in the area; e.g. the maximum BH of the WKT comprehensive development (i.e. ranging from 76.55mPD to 119.05mPD) and the residential developments at the Austin Station (i.e. ranging from 83.85mPD to 114.8mPD) to the immediate north of WKCD, which were taller than the proposed maximum height in this part of WKCD (i.e. 84mPD);
- (v) there would be no change to the provision of public open space (23ha) and minimum green coverage of 30% and 60% for the whole WKCD and the Park respectively as a result of the relaxation of GFA and BH restrictions;
- (vi) relevant technical assessments had demonstrated that the increase in GFA and BH would not cause adverse impact or would only have minor and manageable impact in terms of air ventilation

performance, environmental, traffic, drainage and sewerage, as well as waterworks etc.; and

- (vii) regarding the public concerns on visual impact, the Visual Appraisal (VA) demonstrated that the mountain backdrop and visual permeability towards the waterfront had been generally preserved. As for the public concerns on the infrastructural capacity, traffic, air quality, noise, urban design and air ventilation aspects, relevant technical assessments demonstrated that the proposal had no significant impacts on these aspects. Regarding the views from the Harbourfront Commission that the proposed increase of GFA was not minor, it should be noted that the 15% increase was applicable for WKCD as a whole and its distribution had taken into account relevant planning and urban design considerations.

#### *Justifications for Minor Relaxation*

7. In response to some Members' queries on the need for a 15% increase in the overall GFA, Mr Lawrence Y.C. Chau, DPO/TWK, said that the increased GFA would be distributed among various zonings in WKCD to reflect the corresponding increases in the arts and cultural facilities, RDE and HOR of the WKCD development. The Chairman asked and Mr Chau confirmed that while the original development scale of the Core Arts and Cultural Facilities (CACF) would remain unchanged, the proposed increase in GFA was mainly for the development of more supporting arts and cultural facilities to enhance the overall development of WKCD. This was advocated by the arts and cultural sectors. Mr Chau supplemented that the distribution of the GFA increase in different zones had taken into account various factors, such as to take advantage of the strategic location of WKCD with the presence of XRL WKT to create a better synergy and enhance vibrancy of WKCD. A higher percentage was distributed to "OU(ACECU)3" and "OU(ACECU)4", which were located closer to WKT; and in the central part of WKCD in "OU(MU)2", "OU(MU)3" and "OU(MU)4" sub-zones.

8. Mrs Sorais S.K. Lee, PM, HAB further explained that the proposed increase in GFA was to respond to the public aspiration for providing more arts and cultural facilities,

including the demand for more rehearsal facilities/office for arts groups, creative space for young artists and affordable hostels for visiting artists. These would help further promote the image of WKCD as an arts and cultural hub. The increased GFA would also cater for office floorspace of WKCDA on the site for management and administrative purposes. This would facilitate more effective and efficient management of the arts and cultural venues by WKCDA while reducing its operational cost. Furthermore, given WKCD had adopted a balanced development mix, it was necessary to increase correspondingly the GFA for RDE and HOR uses which could create synergy and add vibrancy to WKCD. Moreover, the additional rental proceeds from RDE facilities would provide recurrent income for WKCDA to cover the operating cost of the arts and cultural facilities. The increase in GFA for arts and cultural facilities and RDE/HOR uses would be proportionate with the development mix as specified in the Explanatory Statement of the Approved West Kowloon Cultural District Development Plan (DP) No. S/K20/WKCD/2. Mrs Lee further said that the 15% increase in the overall GFA had also taken into account the site constraints, urban design factors and technical requirements from different government departments.

9. In response to two Members' queries on the detailed breakdown of the proposed additional GFA for arts and cultural facilities, Ms Kathy C.L. Chan, STP/WKCD, HAB, said that about 45,000m<sup>2</sup> additional GFA would be used for other arts and cultural facilities, of which about 26,000m<sup>2</sup> for artists' hostel, about 5,000m<sup>2</sup> for the office of WKCDA and the remaining GFA for workshops, rehearsal facilities/studios for arts groups, and creative space for young artists. Also, there would be an increase of about 17,000m<sup>2</sup> for RDE and about 1,100m<sup>2</sup> for GIC, as well as about 48,000m<sup>2</sup> for HOR. The proportionate increase in residential and office GFA could maintain a balanced development mix to ensure WKCD's vibrancy both day and night.

10. Noting that the PR of 1.81 for WKCD was the result of a long public engagement process and there were concerns raised by the Harbourfront Commission, a Member asked whether it was appropriate to relax the GFA and BH restrictions of WKCD through a section 16 planning application instead of a section 12A application. The Chairman said this could be further discussed by Members at the deliberation session.

*Urban Design, Air Ventilation and Visual Impacts*

11. The Chairman asked whether the urban design concept of WKCD development, especially the provision of an integrated basement to segregate the traffic from pedestrian and the provision of alleyways within various sub-zones, adopted in the Approved WKCD DP No. S/K20/WKCD/2 would be maintained in the current proposal. In response, Mr Chau confirmed that all the design concepts promulgated in the DP were respected and maintained in the current proposal. The major planning and design principle of WKCD to create a traffic-free environment for pedestrians at ground level would be maintained, while the access road and parking and loading/unloading facilities would be accommodated in the two-level basement. The provision of alleyways and non-building areas to enhance air ventilation and pedestrian circulation would not be affected by the current proposal which only involved changes in GFA and BH. To respect the alleyways for promoting connectivity within WKCD, the orthogonal urban grid in the original urban design concept was retained.

[Mr Frankie W.P. Chou left the meeting temporarily at this point.]

12. The Chairman noted that there were public concerns on the adverse impacts of the proposed increase in BH. He requested for further elaboration on the VA. In response, Ms Yuen said that in general, the proposed increase of BH by 7m to 14m in WKCD would not undermine the public views towards the ridgelines on Kowloon side as shown in most of the photomontages viewing from key vantage points, such as Sun Yat Sen Memorial Park and Central Star Ferry Pier No. 7 and local vantage points such as Kowloon Park (Canton Road Entrance) and Podium of the Elements shopping mall. The views towards the ridgelines in Kowloon were generally preserved. At the eastern portion of WKCD, many parts of the ridgelines had already been blocked by the existing/newly committed developments to the north or north-east of WKCD (such as Langham Place and the Coronation). Although a few building blocks would slightly intrude into the 20% building-free zone, the remaining portions of the mountain backdrop between the Arch and the Langham Place and the portion between the Victoria Towers and the Grand Austin would be maintained in the current proposal as viewed from Central Star Ferry Pier No.7. The overall visual impact would be relatively minimal and acceptable.

[Mr Frankie W.P. Chou returned to join the meeting at this point.]

13. The Chairman further asked whether the BH of proposed topside development at the XRL WKT was higher than the proposed maximum BH of WKCD and whether it would affect the ridgeline. In response, Ms Yuen said that the maximum BH of the XRL WKT topside development was higher than the proposed BH in the current application. The Secretary supplemented that XRL WKT site was zoned “Comprehensive Development Area (1)” on the OZP, with a BH restriction of 90mPD to 115mPD. Lower BH restriction of 90mPD was designated for areas adjacent to WKCD. Mr Chau further supplemented that the BH restriction of the XRL WKT site was incorporated to preserve the views towards the ridgeline. With the proposed increase in BH of WKCD still lower than that of the XRL WKT topside development, the design concept of preserving the public views towards the ridgeline could be maintained.

14. Two Members asked whether consideration had been given to achieve a more interesting skyline in WKCD by creating a stepped BH profile, instead of a monotonous BH profile as shown in the photomontages. Another Member asked why the proposed relaxation of BH restriction in some sub-zones were higher than the others and what the rationale was behind such proposal. A Member also asked whether there were any precedent cases where minor relaxation of BH restriction would breach the 20% building free zone of the ridgeline being approved by the Board and whether the current application had provided sufficient information to justify the encroachment of the 20% building-free zone. In response, Mr Chau said that a stepped BH profile (57.5mPD, 77mPD, 84mPD and 100mPD) for developments in WKCD would still be maintained in the current application with about 15-20m difference in the BH bands. Further, Mr Chau explained with reference to Drawing A-12 of the Paper that the proposed developments would not breach the ridgeline but only slightly intrude into the 20% building-free zone. Also, an approval condition requiring the applicant to submit a refined BH profile to protect the ridgeline and introduce more building height variation was recommended.

15. A Member considered that as many parts of the ridgelines had already been breached by the existing/newly committed developments to the north and north-east of WKCD, it would not be a great concern for a few building blocks that slightly intruded into the 20% building-free zone.

16. Noting the Environmental Review concluded that the air quality would be improved even with the increases in GFA and BH, the Chairman asked how this conclusion was derived as it was generally considered that the increases in GFA and BH would induce more human activities and traffic that might deteriorate air quality in the area. In response, Mr Chau said that the Environmental Impact Assessment (EIA) for WKCD approved in 2013 had adopted the worst case emission estimated in 2015 for the air quality impact assessment as a conservative approach. In this planning application, according to the applicant, the proposed increase in the development intensity of WKCD would only be materialized in 2020 and beyond. Therefore, the critical scenario year for assessing any potential changes in predicted air quality impacts on the surrounding air sensitive receivers (ASRs) due to the changes in induced road traffic by the proposed increase in development intensity of WKCD would be 2020. Mr Chau further explained that in the Environmental Review for the current application, when comparing the air pollutant emissions in the scenario year of 2020 with those in the worst-case year of 2015 under the approved EIA, it had been found that as the road traffic and background emissions in year 2020 would be reduced when compared to those in year 2015 due to phasing out of older and more polluting vehicles, the associated air quality impacts on the ASRs would be reduced accordingly. The cumulative impacts for the proposed increase in development intensity in year 2020 would be lower than that as predicted in the approved EIA for years 2015 and 2020. Hence, the approved EIA findings of anticipating no adverse air quality impacts on the surrounding ASRs during the operation phase of the WKCD project remained valid for the current application.

[Mr Clarence W.C. Leung left the meeting temporarily at this point.]

#### *Vehicular and Pedestrian Accesses*

17. In response to a Member's queries on transport arrangement, Mrs Lee said that the planning concept of WKCD was to create a pedestrian-friendly and traffic-free environment at ground level and WKCD would be well-served by various road and railway networks. With reference to Drawing A-8 of the Paper on the transport arrangement of WKCD, she highlighted that the ground level of WKCD would be traffic-free except for emergency vehicular access; the pick-up and drop-off lay-bys would be located along Austin Road West; and a driveway at the periphery of the Western Harbour Crossing (WHC) tunnel portal was proposed to serve the hotel users and the users of the Mega Performance Venue



(MPV)/Exhibition Centre. An internal road system in basement level one would run through the east and the west of WKCD. Vehicular ingress/egress points of WKCD would be provided at Canton Road (at-grade), Lin Cheung Road (underground) and Nga Cheung Road (at-grade and elevated); and there would be pick-up and drop-off lay-bys at the east gate (opposite to WKT of XRL) and the west gate (opposite to Kowloon Station) along Austin Road West. There would be an additional access (a bridge) over the WHC toll booths to provide a second access for the MPV. For internal transport facilities, Mrs Lee said that the car parking spaces would be located mainly at basement level two. People would be dropped off at lay-bys along the basement road and access to the arts and cultural venues at the ground level via communal lobbies with vertical circulation facilities (including staircases, escalators and lifts).

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

18. The same Member opined that as a world-class integrated arts and cultural district, there should be pick-up/drop-off facilities for each of the arts and cultural venues, especially for the very important persons (VIPs) and asked whether such requirement would be included in the design brief. In response, Mrs Lee said that there would be pick-up/drop-off points distributed all over WKCD and designated pick-up/drop-off points would be planned for the VIPs at CACF.

19. Mrs Lee and Mr Chau further elaborated on the pedestrian network of WKCD with reference to Drawing A-5 of the Paper. They said extensive pedestrian links would be provided within WKCD and to connect WKCD with the surrounding areas. Planned and proposed pedestrian connections, such as footbridges (e.g. Anchorage Bridge, Artist Square Bridge etc.), subway (e.g. extension of existing Austin Road subway) and deck connection (e.g. Austin Station Landscape Deck Connection) would be provided to facilitate easy access between WKCD and the surrounding area. For the pedestrian network within WKCD, the alleyways would connect the northern and southern parts of WKCD whereas the Avenue, Austin Road West and waterfront promenade would be the east-west corridors in WKCD.

#### *Traffic Impact*

20. The Chairman noted that there were substantial public comments from the

residents/tenants of Kowloon Station development concerning the traffic impact of the application and asked why the traffic conditions would not be worsen as a result of the proposed increase in the development intensity of WKCD. In response, Mr Chau said that the planned road network for WKCD presented in the approved DP could cater for the potential traffic to be generated by the additional GFA as demonstrated in the Traffic Impact Assessment (TIA) submitted by the applicant. With reference to Drawing A-8 of the Paper, he further elaborated on the vehicular access (indicated with direction signs), underground road (indicated with yellow line) and at-grade road (indicated with purple line) of the WKCD and said that WKCD was also well-served by public transport such as buses and railways.

21. In response to Members' question on the car parking provision of WKCD, Mr Chau said that the current application proposed to revise the number of car parking spaces in accordance with the new standards promulgated in the HKPSG and implement a car parking sharing strategy to further optimise utilization of the car parking spaces. In the current application, a further optimisation approach was proposed, with a view to fine-tuning the number of car parking spaces to be shared between performing arts venues/RDE facilities/arts-related facilities in WKCD and the office developments in WKCD as well as those atop the WKT of the XRL, taking into account additional traffic demand profile surveys. Under the sharing strategy with further optimisation approach, a total of 2,175 to 2,845 car parking spaces, as compared with 2,885 to 3,613 spaces in the DP submission, would be provided. The TIA also demonstrated that all key junctions were forecast to operate within capacity. Also, an approval condition requiring the submission of a study on the implementation and operation arrangements of the proposed car parking sharing concept and implementation of the measures identified therein was recommended.

22. In response to Vice-Chairman's question on the use of the spaces made available after the reduction of car parking facilities, Mrs Lee said that with the proposed increase in GFA, there would be corresponding increase in supporting facilities such as E&M plant rooms which would take up the spaces released from car parks. She further explained that there were already constraints on the design of the integrated basement. In view of this and the current uncertainty of potential basement areas for parking spaces and loading/unloading facilities, the applicant considered that sharing of car park and servicing facilities between the various land uses would be feasible as their demands would be different throughout the day.

[Mr Roger K.H. Luk and Mr Ken Y.K. Wong left the meeting temporarily at this point.]

23. In response to a Member's query on whether the proposed e-bus would run at-grade, Mr Chau said that the proposed e-bus was still under study and no details had been provided by the applicant. Mrs Lee supplemented that although the route of e-bus was still under study, the e-bus would probably run at basement level one and along Austin Road West to facilitate the public to access to various arts and cultural venues of WKCD. The Chairman noted that an approval condition regarding the submission of a study to assess the demand for the EFTS proposal and implementation of the measures identified therein had been recommended.

[Mr Roger K.H. Luk and Mr Ken Y.K. Wong returned to join the meeting at this point.]

24. As Members had no further question, the Chairman said that Q&A session was complete. The Chairman thanked Mr Lawrence Y.C. Chau, DPO/TWK, Ms Michelle M.S. Yuen, STP/TWK, Mrs Sorais S.K. Lee, PM, HAB and Ms Kathy C.L. Chan, STP/WKCD, HAB for their attendance to answer Members' enquiries. They left the meeting at this point.]

[A short break of 5 minutes was taken and Ms Julia M.K. Lau left the meeting temporarily at this point.]

### Deliberation Session

#### *Justifications for Minor Relaxation*

25. The Chairman noted from the application that one of the reasons for the proposed 15% increase in the overall GFA was to provide additional floorspaces for arts and cultural facilities to meet the demand and public aspirations for more rehearsal facilities/office for arts groups, creative space for young artists and affordable hostels for visiting artists. In response to the Chairman's request, a Member said that from his experience, there was a lack of office space, rehearsal and storage facilities for small and medium sized troupes. This Member considered that there was a general demand for these facilities in the territory and he supported the application. Another Member considered that such demand should have been considered in the earlier planning stage of WKCD and queried why a 15% increase would be

required. Another Member also considered that given the development intensity (i.e. overall PR of 1.81) of WKCD was a consensus made after various rounds of public consultation, there was insufficient information on the rationale of an overall 15% increase in GFA for different arts and cultural, RDE, GIC and HOR uses, especially the 5,000m<sup>2</sup> floorspace proposed to be the office of WKCDA.

26. The Chairman said that since the establishment of WKCDA, various rounds of stakeholder engagement had been conducted and were still on-going. In response to the aspirations of the arts and cultural sectors and the public for the provision of more arts and cultural facilities other than the CACF, the applicant proposed to increase the GFA for such purpose. The Chairman said that as mentioned by representative of HAB earlier, WKCD had adopted a balanced development mix approach with a variety of RDE facilities and HOR developments to be integrated with the arts and cultural facilities. It was therefore necessary to increase the corresponding GFA for RDE and HOR uses which would create synergy and add vibrancy to WKCD while at the same time the RDE facilities would provide additional rental income for WKCDA to cover the operating cost of the arts and cultural facilities. The objective of the current application was to optimise the development potential of the WKCD site. Two Members noted the need for the minor relaxation in GFA and BH restrictions to increase the development intensity of WKCD and supported the application in principle.

27. Another Member supported the application and considered that the application could optimise development potential of WKCD site and better utilise scarce land resources in Hong Kong. Compared with the development intensities of the surroundings, the development intensity of WKCD was still relatively low. Also, in view of the strategic location of WKCD which was located next to the XRL WKT and the general shortage of land, the increase in the development intensity of WKCD which would increase office and housing land supplies was considered acceptable and the increase in RDE floorspace could further enhance the vibrancy of WKCD and improve the financial sustainability of WKCDA.

[Ms Julia M.K. Lau returned to join the meeting and Dr Wilton W.T. Fok left the meeting at this point.]

28. While most Members had no objection to the proposed minor relaxation of GFA restriction to meet the demand for more rehearsal facilities/office for arts groups, creative

space for young artists and affordable hostels for visiting artists, they considered that there was insufficient information in the submission to indicate how the increased GFA would be used and the GFA breakdown for other arts and cultural facilities.

29. The Chairman summarised that while Members generally agreed to the proposed minor relaxation of GFA restriction for provision of other arts and cultural facilities, there were concerns on the distribution of the additional GFA on these facilities. However, given the DP for WKCD was in the form of a master plan, only the GFA by different land use types and different sub-zones would be specified. It might be necessary to allow the applicant some flexibility in allocating GFA within the same land use types to facilitate the detailed design of the proposed development. It was suggested that an advisory clause should be added to request the applicant to submit details of the GFA breakdown for arts and cultural facilities, RDE and HOR uses of the WKCD when available. A Member also suggested that there should be measures to ensure that the additional GFA for the arts and cultural facilities would be used for those facilities as detailed in the justifications for the current application submitted by the applicant. The Chairman suggested to add another advisory clause to request the applicant to note some Members' concern that the additional GFA for the arts and cultural facilities should be used to provide affordable facilities for the concerned groups. Other Members agreed.

*Appropriateness for considering the application under section 16 of the Town Planning Ordinance*

30. For the issue on whether it was appropriate to relax the GFA and BH restrictions of WKCD through a section 16 planning application instead of a section 12A application as raised by a Member, the Secretary said that Members might wish to note that according to paragraph 2(b) of the Paper, the proposed minor relaxation was in line with the government policies to increase the supply of HOR development to meet the pressing demand. The Chairman of the WKCDA Board, who was also the Chief Secretary for Administration, announced in June 2013 that with the support of the Government, WKCDA would apply for minor relaxation of the overall PR of 1.81 for the WKCD site. The Secretary continued to say that according to paragraph 2(k) of the Paper, consultation meetings were held with different key stakeholders at which major planning parameters of the proposal were presented. These included meetings with the Legislative Council's Joint Sub-committee to Monitor the

Implementation of the WKCD Project on 24.1.2014, the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing of Harbourfront Commission on 12.2.2014, YTMDC on 27.2.2014, and the local resident representatives on 14.3.2014.

31. The Chairman said that in considering the proposed minor relaxation of GFA and BH restrictions for the WKCD, the planning consideration should focus on the DP in the form of a master plan, not on individual sites or buildings. He also said that it was the established practice that the proposal for minor relaxation of GFA and BH restrictions should be considered not only in terms of the magnitude of the proposed increase sought but also on its impacts. Members in general considered that minor relaxation through s.16 application would be appropriate, noting the impacts of such relaxation were minor.

*Urban Design, Building Height Profile and Visual Impacts*

32. A Member considered that given its prominent location at the harbourfront, WKCD should create a more interesting skyline with variations in its BH profile. While the application would not breach the ridgeline, it did not create an interesting BH profile. It was necessary to strike a balance between optimizing the development intensity and preserving the ridgeline. Another Member said that the photomontages lacked details to illustrate clearly the visual impact of the proposed development, in particular, it could not reflect different building designs and façade treatments that would not result in a monotonous BH profile.

33. Some Members were concerned about the slight intrusion of 20% building-free zone of the ridgeline by the proposed relaxation of BH restriction for WKCD. While it was noted that the overall visual impact of such relaxation would be relatively minimal and approval condition was recommended to be imposed for the applicant to further refine the BH profile, Members in general agreed that unless there were very strong justifications, the 20% building-free zone should not be encroached upon.

34. In response to a Member's query on the requirement of preserving 20% building-free zone and the precedents that such a requirement was waived, the Chairman said that the need to preserve the building-free zone was not a statutory requirement but part of the urban design guidelines in the HKPSG. Based on the urban design guidelines, BH

restrictions had been imposed, as appropriate, on the statutory plans in the past few years. However, there were exceptional cases, e.g. landmark buildings, that the 20% building-free zone would be breached. For the subject application, the Chairman said that an approval condition was proposed to request the applicant to submit a refined BH profile including roof-top structures, safeguarding the integrity of the remaining ridgeline and introducing more BH variation, of the WKCD development to the satisfaction of the Director of Planning. Members agreed that the approval condition would help address their concerns. After deliberation, Members agreed to revise approval condition (b) requiring the applicant to keep the BH below the 20% building free-zone of the ridgelines as far as possible.

#### *Parking Provision, Access and Pick-up/Drop-off Arrangement*

35. A Member considered the provision of pick-up/drop-off facilities for each major arts and cultural venue was crucial as improper/insufficient provision of such facilities would cause inconvenience to the visitors and affect the image of WKCD as a world-class integrated arts and cultural district. In response, the Chairman said that given the application was for minor relaxation of GFA and BH restrictions and submitted in the form of a master plan, it might not contain many details on the pick-up/drop-off facilities.

36. The Chairman noted from the applicant's submission that the intention of car parking sharing proposal was to allow efficient use of resources as the parking spaces of some cultural facilities such as M+ which would be closed at night could be used for performing arts venues when its peak usage would occur at night. Some Members agreed with the car parking sharing proposal as it would allow more efficient utilisation of car parking spaces. However, it was unclear whether the concept of shared use would only be applicable to car parking spaces within WKCD or with those outside WKCD. In response, Mr W.B. Lee, Assistant Commissioner for Transport (Urban), Transport Department (TD) said that the sharing strategy of car parking spaces had already been proposed in the DP stage. TD had no in-principle objection to the application and noted that the applicant would devise the implementation and operation arrangements, including ascertaining the legal basis and institutional structure, to ensure the implementation of the sharing of car parking spaces in concerned land lots. It was also noted that an approval condition on the submission of a study on the implementation and operation arrangements of the proposed car park sharing concept and implementation of the measures identified therein to the satisfaction of C for T

was recommended.

37. In response to a Member's question on EFTS, Mr Lee said that the mode of EFTS to be adopted in WKCD was yet to be determined. To ensure the proposed EFTS was technically feasible, an approval condition requiring the submission of a study to assess the demand for the EFTS and implementation of the measures identified therein, if any, to the satisfaction of C for T was recommended.

38. After a lengthy discussion, the Chairman concluded that Members generally agreed to approve the application. However, advisory clauses on (i) the submission of details of the GFA breakdown of different land use types in WKCD when details were available, (ii) to note Members' concerns on the provision of pick-up and drop-off facilities in close proximity of each major venues in WKCD and (iii) to note Members' concern that the additional GFA for arts and cultural facilities should be used to provide affordable facilities for the concerned groups were added and the approval condition regarding the submission of BH profile should be revised to ensure that the BH in WKCD would be kept below the 20% building free-zone of the ridgeline as far as possible.

[Mr Frankie W.C. Yeung left the meeting at this point.]

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.11.2018, 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 submission of a revised Landscape Concept Plan to illustrate the design and provision of public open space and green coverage to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a refined building height profile including roof-top structures, safeguarding the integrity of the remaining ridgeline, keeping the building height below the 20% building free-zone of the ridgeline as far as possible, and introducing more building height variation, of the West



Kowloon Cultural District (WKCD) development to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission of a revised air ventilation assessment and implementation of design measures identified therein to enhance the air ventilation performance to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a study on the implementation and operation arrangements of the proposed car parking sharing concept and implementation of the measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of a study to assess the demand for the Environmentally Friendly Transport System proposal and implementation of the measures identified therein, if any, to the satisfaction of the Commissioner for Transport or of the TPB; and
- (f) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to submit details of the Gross Floor Area (GFA) breakdown for arts and cultural facilities, retail, dining and entertainment facilities, as well as hotel, office and residential uses of WKCD when available, noting the concern of Members that the additional GFA for arts and cultural facilities should be used to provide affordable facilities for the concerned groups;
- (b) to note the concern of Members on the provision of pick-up and drop-off facilities in close proximity of each major venues in WKCD;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department that the adequacy of the building safety provisions for individual developments within the site will be considered upon receipt

of general building plans submitted by the Authorized Person. The plans will not be approved unless the building safety provisions including means of escape and access for fire fighting for the buildings are considered adequate in accordance with the provisions of the Buildings Ordinance and the Fire Safety Code 211;

- (d) to note the comments of the Commissioner for Transport (C for T) that the proposed re-routing of the nearby bus routes to the WKCD area, and the frequency improvement as well as the proposed new bus routes, the demand for the proposal should be well justified and will be subject to the agreement of the bus operators. The applicant has to ensure safe and efficient operation of the Western Harbour Crossing and that will not be affected by the development of WKCD. The applicant is also reminded to note C for T's detailed comments in Appendix III;
- (e) to note the comments of the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department that the development should not impact the WKCD enabling works and the XRL structures/facilities being constructed under the XRL project;
- (f) to note the comments of the Commissioner of Police that the applicant shall continue to monitor the traffic situation and propose improvement measures when necessary. Continuous coordination should be made with Guangzhou-Shenzhen-Hong Kong Express Rail Link to minimise the traffic impact both during and after construction;
- (g) to note the comments of the Chief Architect, Central Management Division 2, Architectural Services Department that the design of the proposed footbridge connections and landscape decks linking with the surrounding areas should be slender and aesthetically pleasing as far as possible, with a lightweight cover so that such connections are compatible with the surrounding environment and minimise the possible visual impact to the surroundings. The applicant should keep close liaison with concerned departments and parties on these issues during subsequent implementation

stage;

- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal general building plan submission; and
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the development shall bear the cost of any necessary diversion/relocation works of the existing water mains and waterworks installations as affected.”

[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/K2/212                      Proposed Multicultural Activity Venue (‘Place of Recreation, Sports or Culture’, ‘Eating Place’ and ‘Shop and Services’) in “Open Space” zone, Government Land on Battery Street, Yau Ma Tei, Kowloon  
(MPC Paper No. A/K2/212)

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41.                      The Secretary reported that the application was submitted by the Home Affairs Department (HAD) and Kenneth To & Associates Ltd. (KTA) was the consultant of the applicant. Mr Frankie W.P. Chou, as the Chief Engineer (Works), HAD, had declared an interest in this item. Mr Dominic K.K. Lam and Mr Patrick H.T. Lau who had current business dealings with KTA, had also declared interests in this item. The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting. The Committee considered that the interest of Mr Frankie Chou was direct and agreed that he should leave the meeting temporarily. As Mr Lam had no involvement in the application, the Committee agreed that he could stay in the meeting.

[Mr Frankie W.P. Chou left the meeting at this point.]

Presentation and Question Sessions

42. 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 highlighting that the proposed multicultural activity venue was a signature project under the Signature Project Scheme (SPS) for the Yau Tsim Mong (YTM) District in accordance with the 2013 Policy Address;
- (b) the proposed multicultural activity venue ('Place of Recreation, Sports or Culture', 'Eating Place' and 'Shop and Services'), which comprised a multi-purpose hall, a café, a mini-market and six shops;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Whilst the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no in-principle objection to the proposed development, he had reservation on the landscape proposal. It was because no compensation for the loss of existing trees was proposed at the site; the landscape provisions to compensate the loss of public open space and greenery were minimal; and the proposed vertical greening was in doubt. Other concerned departments had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments, of which two supported and two objected to the application, were received. A supportive comment enclosing 20 support letters from various individuals was received from the awarded partnering organisation i.e. New Home Association and stated that the proposed development would promote the multi-cultural character of the community. Another supportive public comment stated that there were many ethnic groups living in the YTM district. The remaining two comments were received from the Tsim Sha Tsui Residents Concern Group and a member of the

general public objecting to the application mainly on the grounds of the loss of the existing open space; no parking would be provided; and significant impact of the loss of the existing trees; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper, which were summarised below:
- (i) the proposed multicultural activity venue was a signature project under the SPS for the YTM District in accordance with the 2013 Policy Address to help support the local communities (including the ethnic groups) within the district. The project was initiated by the YTM District Council taking into account the characteristics of the district;
  - (ii) the proposed development was considered not unacceptable from the land use perspective. Although there would be a deficit of local open space of about 1.21 ha in the Yau Ma Tei area, it could be compensated by the surplus of district open space provision in the district;
  - (iii) the proposed multicultural activity venue was relatively small in scale and the site did not fall within any identified air path in the Air Ventilation Assessment previously conducted by PlanD. To address CTP/UD&L, PlanD's reservation on the landscape proposal, an approval condition requiring the applicant to submit and implement landscaping proposal was suggested;
  - (iv) the proposed mini-market and shops were minor and supporting in nature, possible adverse traffic, drainage and environment impacts arising from these uses were considered insignificant; and
  - (v) regarding the public comments objecting to the application, the Commissioner for Transport had no comment on the development

proposal and nil parking facilities at the site. Regarding the provision of open space, paragraph 2(e)(ii) were relevant and the Leisure and Cultural Services Department also advised that the usage rate of the existing Battery Street Sitting-out Area was relatively low and similar facilities could be found at the nearby Saigon Street Playground.

43. In response to the Chairman's question on whether there was scope to provide more vertical greening to the building façades, Ms Yuen said that the applicant had proposed to provide vertical greening on the building façade facing Canton Road and there was scope for the applicant to provide additional vertical greening on the other façades facing Saigon Street and the back lane.

44. A Member asked whether the proposed multi-purpose hall would make use of natural lighting. In response, Ms Yuen said that the applicant had not indicated in the submission whether there would be skylight in the proposed multi-purpose hall.

45. In response to the same Member's questions on whether there was other similar multicultural venue in the district and who would be responsible for its management, Ms Yuen said that there was a venue with a multi-purpose hall in Mongkok called The Mongkok Kai-Fong Association Ltd. Chan Hing Social Service Centre which was run by a non-governmental organization (NGO), and HAD would select an NGO for managing the proposed multicultural activity venue in future.

#### Deliberation Session

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.11.2018, 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 submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and

- (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.”

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

- “(a) to note the comments of the District Lands Officer/Kowloon West that the project proponent is required to confirm with the Leisure and Cultural Services Department on the release of the Site for the proposed development, and they need to apply to Lands Department for a new government land allocation. The application for land allocation, if approved, would be subject to a new set of Engineering Conditions incorporating the comments and requirements received from relevant departments during the circulation. The project proponent is also reminded to liaise with LCSD direct on the transplanting works and complete the works to its satisfaction;
- (b) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that there is an existing 150mm diameter sewer located within the Site. The applicant should make the necessary arrangements for the diversion of this sewer. Also, the potential sewerage impacts of the development on the existing DSD facilities there should be assessed by the applicant;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access should be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011;
- (d) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department (ArchSD) that:
  - (i) the building’s main entrance is suggested to be further reviewed in the design stage to enhance the sense of arrival. The applicant may wish to consider providing a canopy at the entrance;
  - (ii) the location of round columns near the entrance is suggested to be

reviewed as the space behind the columns may not be very useful and it would be difficult to access the narrow gaps for maintenance;

- (iii) adequate maintenance access, e.g. pipe ducts, to the toilets should be considered;
- (iv) adequate barrier free access should be provided to the stage in the multi-purpose hall;
- (v) the applicant is suggested to check whether some space would need to be allowed behind the stage for backdrop or backstage installations;
- (vi) the use of square and round columns in the same space seems odd visually, particularly at the viewing platform;
- (vii) the applicant may wish to consider providing some weather protection above the lift door opening on the roof;
- (viii) the applicant should check whether the clear headroom required for the multi-purpose hall would be affected by installations at the ceiling such as building services and maintenance platform, if any;
- (ix) the applicant is suggested to review whether such high headroom for the BS plant rooms and staircases on the roof is necessary;
- (x) the aluminium fins on the west elevation may obstruct maintenance access to the façade;
- (xi) the applicant should ensure that the development would comply with statutory requirements, e.g. Building Ordinance and its subsidiary regulations, Code of Practice for Fire Safety in Buildings 2011, Design Manual: Barrier Free Access 2008, etc.;



- (xii) the applicant may consult ArchSD for comments on general statutory compliance on the design; and
- (xiii) the Fire Services Department's acceptance should be sought on the EVA arrangement for the development; and
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should consider accommodating tree/shrub planting on the roof at the early building design stage as the building design (e.g. loading and soil depth of planters) will have an implication on the feasibility of roof greening.”

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

## **Agenda Item 5**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/462                      Renewal of Planning Approval for Temporary “Shop and Services (Fast Food Shop)” for a Period of 3 Years in “Comprehensive Development Area (6)” zone, Shops No. 1 and 2, G/F, Tung Cheong Factory Building, 177-181 Yeung Uk Road, Tsuen Wan, New Territories  
(MPC Paper No. A/TW/462)

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### **Presentation and Question Sessions**

48.                      With the aid of a PowerPoint presentation, Mr K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the application was for renewal of a s.16

planning approval, under application No. A/TW/427 approved by the Committee on 18.11.2011;

- (b) temporary shop and services (fast food shop) use for a period of 3 years;

[Mr Ken Y.K. Wong left the meeting temporarily at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Tsuen Wan); 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. Since the intended comprehensive redevelopment at the “Comprehensive Development Area (6)” zone, which was rezoned from “Industrial” in December 2010, would take time to materialize, there was no objection to utilize the existing industrial premises for other compatible uses in the interim.

[Mr Ken Y.K. Wong returned to join the meeting at this point.]

49. Members had no question on the application.

#### Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years until 21.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of fire service installations in the subject premises within six months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2015; and
- (b) if the above planning condition 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.”

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

- “(a) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department in respect of separation of the application premises from the remaining portion of the subject industrial building by proper fire resisting construction, providing access to facilitate maintenance of manholes and underground drains within Shop No. 2 and submission of building plans for non-exempted building works; and
- (b) to note the comments of the Director of Fire Services that the subject fast food shop shall be licensed as ‘food factory’ or ‘factory canteen’, and note the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises”.”

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/109          Proposed Residential Institution (Affordable Rental Housing) in  
“Residential (Group C) 4” zone, Ex-Kowloon Textile Family Dormitory  
at Government Land in D.D. 390, Sham Tseng, New Territories  
(MPC Paper No. A/TWW/109A)

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52.            The Secretary reported that the application was submitted by Light Be (Sham Tseng Social Housing) Co. Ltd. and LWK & Partners (HK) Ltd. (LWK), Environ Hong Kong

Ltd. (Environ) and LLA Consultancy Ltd. (LLA) were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |  |
|---------------------|--|
| Mr H.W. Cheung      | - offering professional advice to the applicant in his personal capacity;                                |
| Mr Laurence L.J. Li | - being the chairman of Light Be (Social Realty) Co. Ltd. and having current business dealings with LWK; |
| Mr Patrick H.T. Lau | - having current business dealings with LLA;   |
| Mr Dominic K.K. Lam | - having current business dealings with Environ and LLA; and   |
| Ms Julia M.K. Lau   | - having current business dealings with Environ.   |

53. The Committee noted that Mr Patrick H.T. Lau and Mr H.W. Cheung had tendered apologies for being unable to attend the meeting. The Committee considered that the interest of Mr Laurence L.J. Li was direct and agreed that he should leave the meeting temporarily. As Mr Dominic K.K. Lam and Ms Julia M.K. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

[Mr Laurence L.J. Li left the meeting at this point.]

#### Presentation and Question Sessions

54. With the aid of a PowerPoint presentation, Mr K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed in-situ conversion of the existing ex-Kowloon Textile Family Dormitory (KTFD) to residential institution (affordable rental housing);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The initial policy support from the Chief Secretary for Administration’s Private Office (CSO) was granted on the condition that arrangement should be in place to ensure that surplus (if any) from the proposed development should be deployed by the applicant to worthy cause of non-profit making nature. Also, CSO recommended a six-year tenancy subject to further information from the applicant showing that six years was the minimum period for breakeven. Concerned departments had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period of the application and the further information, 23 public comments from members of the Tsuen Wan District Council, the Concern Group on Long-term Housing and private individuals were received. 14 out of 23 public comments were objecting to the application for the reasons that there was a lack of Government, institution and community (GIC) facilities in Sham Tseng and that there were various concerns related to traffic, environmental hygiene, security, cost-effectiveness and transfer of interest between the government and the applicant. Another 8 comments supported the application and the remaining public comment was neutral. Although they supported the application or being neutral, they raised concerns on the safety of structure of the building and the adjacent slopes, the infrastructural support, housing arrangement of the 7 affected tenants, provision of GIC facilities including parking facilities for ambulances, and accessibility of fire engines to the site. No local objection was received by the DO(TW); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper, which were summarised below:

- (i) the proposed total gross floor area (GFA) upon renovation works of the ex-KTFD did not exceed the existing GFA. There is also no change in the existing building height and building form of the ex-KTFD. The proposed residential institution is not in conflict with the planning intention of the “Residential (Group C)4” zone;
- (ii) the application would help provide affordable housing to the needy families by fully utilising the existing 38 vacant residential units in the ex-KTFD;
- (iii) the application would not cause infrastructural impact on the surrounding area. The technical requirements could be addressed through the imposition of approval conditions and advisory clauses in the planning permission or during the processing of the short term tenancies (STTs); and
- (iv) regarding the public comments received, whilst the concerned government departments consulted had confirmed that there was no plan or programme to provide additional GIC facilities at the site, there were some existing GIC facilities near the site. Currently, the site was accessible via staircase from Sham Hong Road which was a village road available for vehicular use. The Director of Fire Services had no comment on the public comments regarding the accessibility of fire engines to the site and parking facilities of ambulances. For the concerns on safety of building structures and slopes, and housing arrangement of the 7 affected tenants of the ex-KTFD, the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department confirmed that these matters would be further examined and handled when processing the STT. Regarding the environmental hygiene and security concerns, the Director of Food and Environmental Hygiene would take necessary enforcement action against illegal waste dumping. Also, the applicant proposed to provide property management and closed circuit television system

to address the concerns.

55. A Member asked why the policy support was given by the CSO instead of the relevant Bureau. In response, the Chairman said that as the proposal was a project under the preview of the Policy & Project Co-ordination Unit of CSO.

#### Deliberation Session

56. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.11.2018, 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 submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of the connection from the proposed development to the public sewerage system to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the Head of Policy & Project Co-ordination Unit, Chief Secretary for Administration’s Private Office regarding the application for Short Term Tenancy for the proposed development;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing regarding the technical matters to be handled during the processing of the Short Term Tenancy for the proposed development, including the future maintenance responsibilities of the adjacent retaining structures and

slopes of the application site, Unauthorised Building Works, safety of the structures of the ex-Kowloon Textile Dormitory Building and adjacent slopes and the housing arrangement of the 7 affected existing tenants;

- (c) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department on the façade colour of the ex-Kowloon Textile Dormitory Building;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the requirements of barrier free access, natural lighting and ventilation;
- (e) to consult the District Officer/Tsuen Wan's views when using the Sham Hong Road for loading/unloading activities;
- (f) to note the comments of the Director of Fire Services that emergency vehicular access provision should comply with the requirements as stipulated under the subsection 25 of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations 41D;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (CE/DEV(2), WSD) regarding the interface issue between the proposed development and the rehabilitation works "Replacement and Rehabilitation of Water Mains Stage 4 Phase 2 – Contract No. 11/WSD/11" along and within the site, and to consult CE/DEV(2), WSD on the time of commencement of the mainlaying works on Sham Hong Road before starting the proposed sewer works; and
- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department regarding the completion date of the Natural Terrain Hazard Mitigation Works in/near the site before starting the proposed sewer works.



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

[Ms W.H. Ho, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

[Mr Clarence W.C. Leung left the meeting temporarily at this point.]

### **Hong Kong District**

#### **Agenda Item 7**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/415                      Proposed Minor Relaxation of Building Height Restriction for permitted flat use in "Residential (Group A)" zone and area shown as 'Road', 73-73E, Caine Road, Mid-Levels, Hong Kong  
(MPC Paper No. A/H3/415D)

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

58.                      With the aid of a PowerPoint presentation, Ms W.H. Ho, STP/HK, 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 (BH) restriction from 160mPD to 164.35mPD for permitted 'flat' use;

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

- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. Whilst the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that

the proposal was not visually incompatible with the surrounding built environment, it was technically feasible to accommodate the bonus gross floor area (GFA) within a BH lower than the current proposed 164.35mPD by increasing the site coverage of the domestic tower, while offering the proposed visual merit in tandem. He also considered that the Air Ventilation Assessment (AVA) Expert Evaluation (EE) report submitted by the applicant was inadequate to demonstrate the air ventilation improvements to the surrounding area. Other concerned departments had no objection to or no comment on the application;

- (d) during the first three weeks of the statutory publication period of the application and further information, a total of 25 public comments, of which 5 supporting and 20 objecting comments were received. They were from members of the Central & Western District Council, Designing Hong Kong Limited, residents and management office of the nearby buildings and the members of the public. The supporting comments were mainly of the view that the proposed development with minor relaxation in BH and setback provision would improve the pedestrian safety at Caine Road, provide better streetscape, and increase housing supply. The objecting comments were mainly based on the grounds that the proposed development with minor relaxation in BH would be incompatible with surrounding buildings and aggravate wall effect; would block the natural light and air ventilation of the nearby building, would bring adverse impacts on traffic condition and pedestrian flow in the area; and there was no planning merit to justify the proposal; and
- (e) the District Officer (Central and Western), Home Affairs Department commented that members of the Central and Western District Council (DC) had all along been concerned about the development of screen-like buildings and increase of plot ratio (PR)/BHs in the district. Some DC members considered it crucial to set a limit on development intensity to preserve the ridgelines of the Hong Kong Island and some were concerned about the impact on traffic, ventilation and sunlight caused by high-density buildings; and

[Mr W.B. Lee left the meeting temporarily at this point.]

- (f) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Three sets of approved building plans and a notional scheme demonstrated that the total permissible GFA, including the bonus GFA for surrender of land for public passage/street widening could be accommodated within the BH restriction of 160mPD. Flexibility had been allowed under the current restrictions on the Outline Zoning Plan (OZP) for the applicant to exercise a commercial decision on the proposed development design parameters, even if a bonus PR was claimed. The applicant claimed that as compared with the approved building plans, the current application would offer greater building separation at the podium levels at the eastern boundary between the proposed development and the adjacent building (i.e. Ideal House) bringing some air ventilation improvement in the local area. However, CTP/UD&L, PlanD pointed out that the AVA EE report submitted by the applicant was inadequate to demonstrate the air ventilation improvements in the surrounding area. The applicant also failed to demonstrate why similar good design features could not be achieved within the current BH restriction. It was considered that approval of the application would set an undesirable precedent for similar applications in the “Residential (Group A)” (“R(A)”) zone. The cumulative effect of which would jeopardize the planning intention for imposing the BH restrictions on the area. Also, there were public objections received on proposed minor relaxation of BH.

[Mr W.B. Lee returned to join the meeting at this point.]

59. A Member asked whether the planning and design merits proposed by the applicant or the compliance of OZP restrictions was more important factor in considering planning application for minor relaxation of BH restriction. In response, the Secretary said that planning and design merits was one of the factors that the Committee should take into account and other factors including setting undesirable precedent for similar applications in the “R(A)” zone should also be considered.

## Deliberation Session

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

- “(a) there is no strong planning justification in the submission for the proposed minor relaxation of the building height restriction; and
- (b) approval of the application would set an undesirable precedent for similar applications in the “Residential (Group A)” zone. The cumulative effect of which would jeopardize the planning intention for imposing the building height restrictions on the area.”

[The Chairman thanked Ms W.H. Ho, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

## **Agenda Item 8**

### Section 16 Application

[Open Meeting]

A/H6/74 Proposed Place of Recreation, Sports or Culture (Performance and Activity Venue) in “Open Space” zone, Government Land at Moreton Terrace, Wan Chai, Hong Kong  
(MPC Paper No. A/H6/74)

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61. The Secretary reported that the application was submitted by the Home Affairs Department (HAD) and Kenneth To & Associates Ltd. (KTA), Environ Hong Kong Ltd. (Environ) and LLA Consultancy Ltd. (LLA) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Frankie W.P. Chou - being the Chief Engineer (Works), HAD;

- Mr Patrick H.T. Lau - having current business dealings with KTA and LLA;
- Mr Dominic K.K. Lam - having current business dealings with KTA, Environ and LLA;
- Ms Julia M.K. Lau - having current business dealings with Environ; and
- Mr Roger K.H. Luk - his spouse owned a residential unit at Illumination Terrace, Tai Hang.

62. The Committee noted that Mr Patrick H.T. Lau had tendered apologies for being unable to attend the meeting and Mr Frankie W.P. Chou had left the meeting already. As the applicant had requested for deferment of consideration of the application, Mr Dominic K.K. Lam and Ms Julia M.K. Lau had no involvement in the application and the residential unit of Mr Roger K.H. Luk's spouse did not have a direct view on the site, the Committee agreed that they could stay in the meeting.

63. The Committee noted that the applicant requested on 28.10.2014 for deferment of the consideration of the application for one month in order to allow additional time to prepare further information in response to the comments from relevant government departments, i.e. the Environmental Protection Department and the Urban Design and Landscape Section of the Planning Department and the public. This was the first time that the applicant requested for deferment of the application.

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

64. 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.

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

[Mr W.B. Lee left the meeting temporarily at this point.]

### **Kowloon District**

#### **Agenda Item 9**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/709                      Shop and Services in "Other Specified Uses" annotated "Business" zone,  
Factory Unit B3 on Ground Floor, Good Year Industrial Building,  
119-121 How Ming Street, Kwun Tong, Kowloon  
  
(MPC Paper No. A/K14/709)

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65.            The Secretary reported that Traces Ltd. was the consultant of the applicant. Ms Julia M.K. Lau had declared an interest in this item as she was the Executive Director & Shareholder of Traces Ltd. The Committee noted that Ms Julia M.K. Lau had left the meeting already.

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

66.            With the aid of a PowerPoint presentation, Ms Joyce Y.S. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

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

[Mr W.B. Lee returned to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment from the Chairman of Kwun Tong Central Area Committee supporting the application without giving reasons was received. No local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. As the fast food shop use had been in operation at the Premises and that the previous approval for the Premises was revoked due to non-compliance with approval condition, a shorter compliance period (3 months) for submission of the proposal for fire safety measures was recommended to monitor the progress of compliance. Moreover, the applicant would be advised that should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

67. Members had no question on the application.

#### Deliberation Session

68. 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 14.2.2015;

- (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 14.5.2015; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified dates, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

69. 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 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 temporary waiver for the proposed ‘Shop and Services’ use at the 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, and to observe the Guidance Note 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, Buildings Department (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), including, the provision of adequate means of escape, the premises should be separated from the remaining portion of the building by fire barriers, and access & facilities for persons with a disability; for unauthorized building works (UBW) erected on private building, enforcement action may be taken by the BA 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 Premises under the BO; and detailed comments under the BO can only be formulated at the building plan submission stage."

**Agenda Item 10**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/710            Proposed Shop and Services (Bank) in "Other Specified Uses" annotated "Business" zone, Workshops A, B and C, G/F, Blocks G & H, East Sun Industrial Centre, 16 Shing Yip Street, Kwun Tong, Kowloon  
(MPC Paper No. A/K14/710)

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Presentation and Question Sessions

70.            With the aid of a PowerPoint presentation, Ms Joyce Y.S. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments supporting the application were received from the Chairman of Kwun Tong Central Area Committee and an individual. While the former did not give any reason for his support, the latter opined that the proposed bank could facilitate the transformation of Kwun Tong Business Area and that the streetscape and pedestrian environment should be improved to provide more visual interest in the area. No local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on the assessments as detailed in paragraph 11 of the Paper.

71. Members had no question on the application.

#### Deliberation Session

72. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.11.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of the proposal for fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on

the same date be revoked without further notice.”

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

- “(a) apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or temporary waiver for the proposed ‘Shop and Services (Bank)’ use at the premises;
- (b) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department, and to observe the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that the applicant should engage an Authorized Person to assess the feasibility of the proposal and implement the proposed change in use/alterations and additions works in compliance with the Buildings Ordinance (BO), including (but not limited to), adequate means of escape should be provided, access and facilities for persons with a disability should be provided, and the premises should be separated from the remaining portion of the building by fire barriers; for unauthorized building works (UBW) erected on private building, enforcement action may be taken by the BA 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 premises under the BO; and detailed comments under the BO can only be formulated at the building plan submission stage.”

[The Chairman thanked Ms Joyce Y.S. So, STP/K, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

**Agenda Item 11**

Any Other Business

74.           There being no other business, the meeting closed at 12:45p.m.