

TOWN PLANNING BOARD

Minutes of 524th Meeting of the Metro Planning Committee held at 9:00 a.m. on 28.11.2014

Present

Director of Planning
Mr K. K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Stephen H. B. Yau

Mr Francis T. K. Ip

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

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

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

Assistant Director (R1), Lands Department
Ms Doris M.Y. Chow

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

Secretary

Absent with Apologies

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Patrick H.T. Lau

Mr Frankie W.C. Yeung

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

Town Planner/Town Planning Board
Mr William W.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 523rd MPC Meeting held on 14.11.2014

[Open Meeting]

1. Referring to Members' discussion on provision of affordable arts and cultural facilities for the concerned groups as recorded in paragraph 29 of the draft minutes, a Member suggested to improve the drafting of the advisory clauses as stated in paragraph 40 of the draft minutes to better reflect Members' concern.

2. The Chairman said that development of the WKCD was under the purview of the WKCD Authority and monitored by a subcommittee under the Legislative Council. The Committee should focus on the broad land use in the Development Plan for WKCD instead of controlling the detailed provision of individual arts and cultural facilities. Nevertheless, Members' concern could be addressed by incorporating suitable advisory clauses for the applicant to follow. After discussion, Members agreed to combine advisory clauses (a) and (c) as follows:

“(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*;

The remaining advisory clauses would be renumbered accordingly.

Agenda Item 2

Matters Arising

[Open Meeting]

3. The Secretary said that there were no matters arising.

[Mr Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was 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/K5/758 Shop and Services (Real Estate Agency) in "Other Specified Uses" annotated "Business(2)" Zone, G/F, 790 Cheung Sha Wan Road, Kowloon
(MPC Paper No. A/K5/758A)

Presentation and Question Sessions

4. Mr Philip Y.L. Chum, STP/TWK reported that there was a typo for the MPC Paper No. which should be revised as A/K5/758A. With the aid of a PowerPoint presentation, Mr Philip Chum presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) did not support the application (with a floor area of 88.315 m²) from the fire safety point of view as the aggregate commercial floor area on the ground floor (G/F) of the subject industrial building would exceed 230m², taking into account that (i) the subject industrial building was subject to a maximum permissible limit of 230m² for aggregated commercial floor area on G/F since it was not protected by sprinkler systems; and (ii) given that applications No. A/K5/639 and A/K5/707 for 796 and 794 Cheung Sha

Wan Road respectively were still valid, the concerned floor areas should be accountable for the aggregate commercial floor area;

- (d) during the first three weeks of the statutory publication period, one public comment was received which had no objection to the application. No local objection/view was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. Although the shop and services use under application was considered generally in line with the planning intention of “Other Specified Uses” annotated “Business 2” (“OU(Business)2”), it did not comply with relevant considerations in the Town Planning Board Guidelines for Development within “OU (Business)” zone (TPB PG-No. 22D) in that it would induce adverse fire safety impacts to the developments within the subject building and the adjacent areas. According to D of FS, the subject industrial building was subject to a maximum permissible limit of 230m² for aggregate commercial floor area on the G/F since the building was not protected by sprinkler system. The total commercial floor area for shop and services use already approved by the Committee on the G/F of the subject industrial building was 191.8m². Should the Committee approve the application, the total commercial floor area on G/F of the subject industrial building would be increased to 280.115m², which exceeded the maximum permissible limit of 230m² for industrial building without sprinkler systems. D of FS did not support the application from the fire safety point of view. The applicant argued that G/F of 794 Cheung Sha Wan Road under application No. A/K5/707 for proposed shop and services (with a floor area of 91.8m²) should not be accountable for maximum permissible limit of 230m² for aggregate commercial floor area on G/F since the unit together with the G/F of 792 Cheung Sha Wan Road were currently occupied by a bank. D of FS considered that as application No. A/K5/707 was approved for shop and services use, the concerned floor area of 91.8m² should be accountable for aggregate commercial floor area on

G/F. According to information provided by District Lands Officer/Kowloon West, Lands Department, the bank use on G/F of 792 and 794 Cheung Sha Wan Road was covered by a temporary waiver for bank use for a term of three years from 30.8.2013 to 29.8.2016 and thereafter quarterly. The possibility of using the G/F of 794 Cheung Sha Wan Road for other types of shop and services uses should not be precluded.

5. Noting that both premises at G/F of 792 and 794 Cheung Sha Wan Road were occupied by the same bank, the Vice-chairman asked why the former premises was accountable for the aggregate commercial floor areas on G/F of the subject building (i.e. 230 m²) as stipulated in TPB PG-No. 22D but not the latter. In response, Mr Philip Y.L. Chum said that while both premises were subject to the approved planning applications for 'shop and services', 'bank' use had been specified in the applied use of the former premises but not the latter. Since the latter premises might be used for other types of 'Shop and Services' uses other than 'bank', it should be accountable for the aforesaid limit under TPB PG-No. 22D.

Deliberation Session

6. The Secretary recapped the relevant provisions in paragraph 4.6 of TPB PG-No. 22D for Members' information. The aggregate commercial floor areas on the G/F of an existing industrial/industrial-office (I-O) building without sprinkler systems should as a general principle not exceed 230m². For any application which would result in a slight exceedance of the relevant floor area limit, the applicant had to demonstrate that the fire safety concern could be satisfactorily addressed, and each case would be considered by the Board on its own merits. The above limits on commercial floor area did not apply to uses which were ancillary to or for the purposes of supporting the industrial activities and the routine activities of the workers in the industrial or I-O building. These uses included bank, fast food counter, electrical shop, local provisions store, etc..

7. The Chairman said that although the subject application would result in an exceedance of the permissible limit as stipulated in TPB PG-No. 22D, there were some special circumstances in the application that should be duly considered by the Committee. He said that the G/F of industrial buildings were generally occupied by a mix of industrial

and non-industrial uses. However, most of the premises in 790 to 796 Cheung Sha Wan Road were already occupied by non-industrial uses and each premises at G/F had its own staircase and entrance facing the street. Also, the uses on the upper floor of the building were mostly non-industrial, though some of them were without planning permissions. A Member said that if the subject application was rejected by the Committee, the subject premises might remain to be occupied for industrial use which was incompatible with other non-industrial uses at 790 to 796 Cheung Sha Wan Road, resulting in higher fire risk. This Member suggested to grant temporary planning permission with a shorter approval period so as to monitor the uses of the surrounding premises.

8. The Vice-chairman said that TPB PG-No. 22D had clearly specified the types of uses that were accountable for the aggregate commercial floor areas on the G/F. D of FS had expressed objection to the subject application for exceedance of the maximum permissible limit under TPB-PG-No. 22D. There were no strong grounds for the Committee to approve the subject application which would breach the guidelines. A Member shared the view, noting the objection from D of FS.

9. A Member asked whether it was possible to impose an approval condition stating that the planning permission would be valid until the premises at G/F of 794 Cheung Sha Wan Road under application No. A/K5/707 changed its use to those accountable for the maximum permissible limit under TPB-PG-No. 22D. In response, the Chairman said that if the use of other premises was out of the applicant's control, it might not be reasonable to impose the suggested approval condition. The Vice-chairman also said that it would be difficult to enforce the suggested approval condition.

10. Regarding the question on whether 790 to 796 Cheung Sha Wan Road should be regarded as one building, Members noted that 790 to 796 Cheung Sha Wan Road were structurally one building and part of the partition walls had been removed such as those in the bank at G/F.

11. Noting that approval of the subject application would result in an exceedance of the maximum permissible limit by 50m² or 22%, the Vice-chairman said that it should be the applicant's responsibility to demonstrate how his proposal could satisfactorily meet the fire safety requirements. Some Members shared the view. A Member said that since the

proposed shop and services use could not meet the prescriptive fire safety provision as set out in TPB PG-No. 22D, the applicant might consider adopting fire engineering approach to demonstrate that the proposed fire safety measures could achieve the same level of safety. Noting from paragraph 2(f)(iii) of the Paper that the applicant only undertook to employ a licensed contractor to implement fire safety measures and installations, but had not submitted any concrete proposal together with the planning application, another Member doubted whether the applicant could adopt the aforesaid fire engineering approach to address D of FS's concerns.

12. The Chairman concluded that while Members were sympathetic to the subject case, the applicant's submission had not submitted a concrete proposal to address D of FS's fire safety concern. The Committee could consider to defer making a decision on the application and request the applicant to prepare further information to address the fire safety concerns of D of FS.

13. A Member asked if the same purpose could be achieved by imposing an approval condition to require the applicant to submit fire safety measures to the satisfaction of D of FS. In response, the Chairman said that deferment of the case could allow time for the applicant to address the fire safety concerns of D of FS before the Committee approved the application. It might not be advisable to approve an application if the fire safety concern could not be addressed. The Vice-chairman said that the fire safety issue was fundamental issue which should be dealt with before the approval of the application and not at the stage of compliance of approval conditions. A Member said that the applicant most likely could not comply with such approval condition within a specified period if general agreement from D of FS on the proposed use had not been obtained.

14. A Member said that it was more desirable to defer the application rather than reject the application since the applicant might not be willing to pursue non-industrial uses at the subject premises if the application was rejected. Another Member said that if the fire engineering approach was adopted, considerable time would be needed for the applicant to prepare the further information on fire safety measures for the consideration by D of FS, and it was appropriate to defer the case to allow time for the applicant to seek general agreement from D of FS on the proposal.

15. Members in general supported to defer consideration of the application, and agreed that three months would be the appropriate deferment period taking into account the time required by the applicant to adopt the suitable fire safety measures and the need to avoid undue delay in processing the application.

16. After further deliberation, the Committee agreed to defer the consideration of the application for three months to allow time for the applicant to prepare further information to address FSD's fire safety concern and to seek general agreement from D of FS on their proposed measures.

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

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/123 Proposed Temporary Concrete Batching Plant for a Period of 3 Years in
 "Industrial" Zone, Tsing Tim Street, Tsing Yi Town Lot No. 98, Tsing
 Yi

(MPC Paper No. A/TY/123B)

17. The Secretary reported that AECOM Asia Co. Ltd. (AECOM) was the consultant of the applicant. Mr Patrick H.T. Lau, Mr Dominic K.K. Lam, Ms Julia M.K. Lau and Professor P.P. Ho had declared interests in this item as they had current business dealings with AECOM. As Mr Dominic K.K. Lam and Ms Julia M.K. Lau had no involvement in this application, the Committee agreed that they could stay in the meeting. The Committee noted that Mr Patrick H.T. Lau had tendered apologies for being unable to attend the meeting and Professor P.P. Ho had not arrived at the meeting yet.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary concrete batching plant for a period of 3 years;

[Mr Sunny L.K. Ho arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period of the application, a total of 19 comments were received. 14 of them were from private individuals and five of them were from the companies nearby and the owner's committee of Rambler Crest. They objected to the application mainly on the grounds that the proposed concrete batching plant would have adverse impacts on air and noise pollution, traffic congestion, traffic safety and health aspects. During the subsequent statutory publication periods of the further information, a total of 147 comments were received. 141 of them were from the staff of a logistics company nearby, two from a private individual, and four from the nearby companies and the owner's committee of Rambler Crest. Their grounds of objection included the adverse environmental (including air and noise pollution), traffic (including congestion and safety) and health impacts of the proposed development. An individual objected to the request for lifting up the time-limited condition;
- (e) no local objection/view was received by the District Officer (Kwai Tsing); and;

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 10 of the Paper, which were summarised as follows:
- (i) the proposed concrete batching plant was considered not incompatible with the surrounding industrial related developments;
 - (ii) the applicant requested to lift the time limit of the approval condition on the implementation of fire service installations (FSI) in view of the long lead time required for the construction of the proposed development and the condition could only be discharged after the construction of the proposed development had been completed. Chief Building Surveyor/New Territories West, Buildings Department (BD) confirmed that the applicant must submit the fire certificate (F.S. 172), which signified satisfactory completion of FSI in the building, to be issued by the Director of Fire Services before BD could consider issuing the Temporary Occupation Permit (TOP) to the applicant. The applicant indicated that construction works of the proposed development was anticipated to be completed in October 2016 and the fire certification to be obtained by March 2017. As such, the normal practice of imposing 9 months time limit for the implementation of FSI might not be applicable to a new concrete batching plant development. It was therefore recommended to impose a condition with the time limit to be set as “before the commencement of operation” for the proposed concrete batching plant; and
 - (iii) as for the public comments on environmental and traffic grounds, the Director of Environmental Protection (DEP) considered the proposed concrete batching plant would not pose insurmountable adverse air quality impact on nearby sensitive receivers. With proper implementation of appropriate dust mitigation measures, adverse dust impact during construction stage was not anticipated.

The Environmental Assessment also indicated that all noise sensitive facades would comply with the criteria of the Environmental Protection Department and no noise impacts would be anticipated due to operation of the proposed development. The Commissioner for Transport and the Commissioner of Police had no comment on the application from traffic engineering and traffic management's view point. An appropriate approval condition restricting queuing on public roads could address public concern on traffic congestion. Regarding the traffic safety concerns, the Chief Engineer/New Territories West, Highways Department (CHE/NTW, HyD) advised that he would closely monitor the condition of the public roads being maintained by his office and take appropriate action to remedy any defect identified. For the public comment objecting to the lifting of the time-limited condition for complying with the condition on implementation of FSI, the assessment above was relevant. Regarding the request for obtaining information of the environmental impact of the proposed development, the commenter was informed that all the applicant's submissions were available for public inspection at the PlanD's Planning Enquiry Counters.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant shall be allowed at any time during the planning approval period;
- (b) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB

by 28.5.2015;

- (c) in relation to (b) above, the implementation of water supplies for fire fighting and fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB before commencement of operation of the proposed development;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (e) if the above planning condition (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (f) if the above planning condition (c) is not complied with before commencement of operation of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that the proposed parking and loading/unloading provisions under the subject application do not comply with the lease conditions. The lot owner is required to apply to his office for temporary waiver to allow the proposed parking and loading and unloading provisions. The temporary waiver if approved by LandsD acting in the capacity as the landlord at its sole discretion, would be subject to such terms and conditions as shall be considered appropriate by LandsD including inter alia, payment of waiver fee and administrative fee. There is no commitment that the Government will approve the temporary waiver application. The two car parks at Sai Tso Wan Road are under short term tenancies (STT) No. 3741 KT and STT No. 3778 KT which are temporary in nature and there is no guarantee that the STT car parks will co-exist with

the proposed concrete batching plant;

- (b) to note the comments of the Director of Environmental Protection that a Specified Process Licence under the Air Pollution Control Ordinance is required for the operation of the proposed concrete batching plant, and the requirement as stipulated in the Best Practicable Means for Cement Works (Concrete Batching Plant) BPM 3/2 have to be complied with. Also, appropriate dust mitigation measures as stipulated in the Air Pollution Control (Construction Dust) Regulation should be properly implemented to avoid adverse dust impact during construction stage;
- (c) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with the “Code of Practice for Fire Safety in Building 2011” which is administered by the Buildings Department; and
- (d) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. Proposal for development that will result in an increase in the number of persons living or working in the consultation zone have to be submitted to the Coordinating Committee on Land-use Planning and Control Relating to Potentially Hazardous Installations (CCPHI) for consideration in accordance with Chapter 12 of the Hong Kong Planning Standards and Guidelines. Development

proposal will be assessed against the Government risk guidelines, i.e. hazard assessment is required.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/126 Proposed Temporary Concrete Batching Plant for a Period of 5 Years in
“Industrial” Zone, Tsing Yi Town Lot 108 RP (Part), Sai Tso Wan Road,
Tsing Yi
(MPC Paper No. A/TY/126)

22. The Secretary reported that AECOM Asia Co. Ltd. (AECOM) was the consultant of the applicant. Mr Patrick H.T. Lau, Mr Dominic K.K. Lam, Ms Julia M.K. Lau and Professor P.P. Ho had declared interests in this item as they had current business dealings with AECOM. Mr Lam also declared at the meeting that he had business dealings with the applicant, Hong Kong United Dockyards Ltd., a few years ago, and Mr Frankie W.P. Chou declared that his friend was a Director of the applicant.

23. As Ms Julia M.K. Lau had no involvement in this application and the interest of Mr Frankie W.P. Chou was indirect, the Committee agreed that they could stay in the meeting. The Committee noted that Mr Dominic K.K. Lam had decided to leave the meeting for this item. The Committee also noted that Mr Patrick H.T. Lau had tendered apologies for being unable to attend the meeting and Professor P.P. Ho had not arrived at the meeting yet.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary concrete batching plant for a period of 5 years
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a private individual and the Chairlady of the Owner’s Committee of Rambler Crest, both objecting to the application. The latter objected to the application on the grounds that Tsing Yi was densely populated and thus should not have industrial facilities like the concrete batching plant. The former objected to the proposed 5-year extension to the planning permission, and considered a 2-year approval period for the current application was more appropriate. He also objected to the request for lifting the time-limited condition for implementation of fire services installations (FSI). The applicant should be requested to submit detailed information in meeting the new Air Quality Objectives enacted in January 2014;
- (e) the District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD) conveyed the comments from the Chairlady of the Owner’s Committee of Rambler Crest which were the same as those mentioned in paragraph 24(d) above;
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments made in paragraph 10 of the Paper, which were summarised as follows:
 - (i) the proposed concrete batching plant for 5 years was considered not incompatible with the surrounding industrial related developments;
 - (ii) the applicant requested to lift the time limit of the approval condition for the implementation of FSI in view of the long lead time required

for the construction of the proposed development and the condition could only be discharged after the construction of the proposed development had been completed. Chief Building Surveyor/New Territories West, Buildings Department (BD) confirmed that the applicant must submit the fire certificate (F.S. 172), which signified satisfactory completion of FSI in the building, to be issued by the Director of Fire Services before BD could consider issuing the Temporary Occupation Permit (TOP) to the applicant. The applicant indicated that construction works of the proposed development was anticipated to be completed in December 2015 and the fire certification to be obtained by April 2016. As such, the normal practice of imposing 9 months' time limit for the implementation of FSI might not be applicable to a new concrete batching plant development. It was thus recommended to impose a condition with the time limit to be set as "before the commencement of operation" for the proposed concrete batching plant; and

- (iii) as for the public comments received, the Director of Environmental Protection considered that the proposed concrete batching plant would not pose adverse environmental impact on the surroundings as it was over 1000m from the residential development in Tsing Yi, and needed to be operated with a Specified Process Licence complying with requirements as stipulated in the Best Practice Means for Cement Works (Concrete Batching Plant) BPM 3/2. Regarding the public comment on the duration of approval, since the proposed development was expected to be operated after the fire certificate to be obtained by April 2016, a temporary approval of 5 years was not unreasonable.

Deliberation Session

25. The Committee noted that there were typos in the approval condition (f) stated in paragraph 11.2(f) of the Paper, which should be revised as follows:

- (f) the submission of a Barging Operation Plan *within 6 months from the date of the planning approval* to the satisfaction of the Director of Marine *and or* of the TPB by 28.5.2015;

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 28.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant shall be allowed at any time during the planning approval period;
- (b) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.5.2015;
- (c) in relation to (b) above, the implementation of water supplies for fire fighting and fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB before commencement of operation of the proposed development;
- (d) the submission of landscape proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.5.2015;
- (e) in relation to (d) above, the implementation of landscape proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.8.2015;
- (f) the submission of a Barging Operation Plan within 6 months from the date of the planning approval to the satisfaction of the Director of Marine or of the TPB by 28.5.2015;

- (g) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (b), (d), (e) or (f) 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; and
- (i) if the above planning condition (c) is not complied with before commencement of operation of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that the proposed concrete batching plant is in breach of the lease conditions and the proposed areas for the marshalling and parking of mixer trucks/heavy vehicles are considered ancillary to the concrete production use and hence may be in breach of the lease conditions. If the above planning application is approved by the Board, the owner of TYTL108 R.P. should apply for a temporary waiver for the proposed concrete batching plant. There is no guarantee that the application will be approved. The temporary waiver application will be considered by LandsD acting in the capacity as Landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions, including inter alia, payment of waiver fee and administrative fee, as may be approved by LandsD;
- (b) to note the comments of the Director of Environmental Protection that the concrete batching plant needs to be operated with a Specified Process Licence complying with requirements as stipulated in the Best Practice Means for Cement Works (Concrete Batching Plant) BPM 3/2;

- (c) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans and incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant should also submit a valid fire certificate (FS 251) to his Department for approval. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (d) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable within or in the vicinity of the site, the applicant shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable away from the vicinity of the proposed structure prior to establishing any structure within the site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the installation, operation and maintenance of the inside services within the private lots to WSD’s standards.”

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

Hong Kong District

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/182 Proposed Shop and Services in "Other Specified Uses" annotated
"Business" Zone, Lower Ground Floor, Tak King Industrial Building, 27
Lee Chung Street, Chai Wan
(MPC Paper No. A/H20/182)

28. The Secretary reported that the application premises was located at Lee Chung Street. Mr Dominic K.K. Lam had declared an interest in this item as his company owned a workshop at Cheung Lee Street which was near to Lee Chung Street. The Committee noted that Mr Lam had already left the meeting.

Presentation and Question Sessions

29. 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 shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments including one from a member of the Eastern District Council and one from the Incorporated Owners of Tak King Industrial Building were received. Both of them raised objection to any food and beverage and polluting industries to be operated in the subject premises. No local objection/view was received by the District Officer (Eastern); 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. Regarding the public comments objecting to eating place or other offensive trade in the subject premises, no eating place or offensive trade was proposed in the subject premises.

30. Members had no question on the application.

Deliberation Session

31. 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 28.11.2018, 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 proposals for fire service installations, water supplies for firefighting and means of escape completely separated from the industrial portion 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.”

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

- “(a) to apply to the District Lands Officer/Hong Kong East, Lands Department

for lease modification or a temporary waiver to permit the use under application at the subject premises;

- (b) to note the comments of the Director of Fire Services to observe “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises” and “Code of Practice for Fire Safety in Buildings”;
- (c) to note the comments of Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department that plans for building works in connection with the proposed shop and services use should be submitted for approval under the Buildings Ordinance and to ensure compliance with the provisions of access and facilities for persons with a disability under Building (Planning) Regulation 72; and
- (d) to note the comments of the Commissioner for Transport of not occupying the adjoining public footpath and carriageway to avoid obstruction to pedestrian circulation or road traffic.”

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

[Ms Irene W.S. Lai, STP/HK, was invited to the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Sessions Only)]

Submission for Partial Fulfillment of Approval Condition (c) of Application No. A/H21/132, Proposed Office Development and Minor Relaxation of the Non-building Area Restriction (Amendments to An Approved Master Layout Plan) in “Comprehensive Development Area” Zone, Taikoo Place, 979 King’s Road, Quarry Bay
(MPC Paper No. 18/14)

33. The Secretary reported that the applicant, Tai Koo Place Holdings Ltd., was a subsidiary of Swire Properties Ltd. (Swire). ADI Ltd. (ADI), MVA Hong Kong Ltd. (MVA) and Ove Arup & Partners Hong Kong Ltd. (OAP) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Patrick H.T. Lau - having current business dealings with Swire, MVA and OAP

Mr Dominic K.K. Lam - having current business dealings with ADI, MVA and OAP

Ms Julia M.K. Lau - having current business dealings with MVA

34. As Ms Julia M.K. Lau had no involvement in this application, the Committee agreed that she could stay in the meeting. The Committee noted that Mr Patrick H.T. Lau had tendered apologies for being unable to attend the meeting and Mr Dominic K.K. Lam had already left the meeting.

Presentation and Question Sessions

35. With the aid of a PowerPoint presentation, Ms Irene W.S. Lai, STP/HK, presented the applicant’s submission as detailed in the Paper and covered the following main points:

(a) the subject submission was to seek the Committee’s agreement on whether

the revised footbridge system proposed by the applicant was acceptable for partial fulfillment of approval condition (c) of application No. A/H21/132;

Background

- (b) the subject “Comprehensive Development Area” (“CDA”) site was the subject of a two-phased comprehensive commercial/office development. Phase 1 had been implemented and Phase 2 involved the redevelopment of the existing buildings into two office buildings (i.e. Buildings 2A and 2B). A 10m-wide Non-building Area (NBA) across the existing Somerset House in an east-west direction was designated in the subject “CDA” zone to create an east-west air path along Tong Chong Street;
- (c) on 4.3.2011, the Committee approved with conditions application No. A/H21/132 for the proposed office development under Phase 2. Under the approved scheme, the NBA was permitted to be built-over by Building 2A with a proposed 25m headroom from ground level and a building setback of 13.5m. It was proposed to integrate the design of the setback with the open space. About 6,400m² of open space would be provided. It was also proposed to improve the pedestrian linkages by an integrated pedestrian footbridge system linking the buildings within the “CDA” zone as well as One Island East and Oxford House;
- (d) in granting the planning approval, the Committee was mindful of the visual connection between Taikoo Wan Road and Tong Chong Street and the overall air ventilation performance. The scheme provided an opportunity to develop the open space as a focal point in the area which could act as a gathering place for festive events in the Eastern District;
- (e) to address the design concern of the proposed footbridge system, an approval condition (c) was imposed requiring the applicant’s “submission and implementation of a revised footbridge system with a view to developing the open space as a forecourt of the adjoining buildings and a focal point for Taikoo Place to the satisfaction of the Director of Planning

or of the Town Planning Board”;

- (f) the applicant had now submitted a revised footbridge system for partial fulfillment of approval condition (c) i.e. the submission part. As the revised scheme had introduced a footbridge structure within the NBA, resulting in a design slightly different from the approved scheme, the proposal was therefore submitted for the Committee’s consideration;

[Professor P.P. Ho arrived to join the meeting at this point.]

The Proposal

- (g) the revised scheme had a smaller footprint as compared to the approved scheme. The covered open space was reduced from 1,400m² to 1,100m², and the number of columns of the footbridge would be reduced. The general internal width of the footbridge was reduced from 8m to 6m. A setback of approximately 4m was provided for tree planting along Westlands Road;
- (h) the revised footbridge system would provide connection with the open space below through stairs and landscape features in the vicinity of One Island East and Oxford House. It would provide gentle ramps to connect the lobbies of various buildings. Barrier free access could be provided;

Planning Department’s (PlanD’s) Views

- (i) PlanD considered the revised footbridge system under the currently revised scheme acceptable for the purpose of partial fulfillment of approval condition (c) based on the assessments made in paragraph 5 of the Paper;
- (j) in terms of enhancing the open space function, the revised scheme would integrate with the open space by introducing connecting stairs, landing and hard landscaping in the vicinity of One Island East at the southeast corner of the open space to facilitate passive on-looking and direct interaction

between the footbridge system and the focal open space. Besides, a more direct alignment with less supporting columns, slender built form, reduced covered area, integration of utility structures underneath the footbridge were proposed to enhance the usability of the open space;

- (k) in terms of visual impact, although the proposal would have some impact on the visual permeability along the NBA, the revised footbridge system would create a comparatively more spacious open space at the centre of Taikoo Place. As demonstrated in the submitted photomontages, this revised alignment would result in wider visual benefits for the users of the open space and nearby passers-by in contrast to the approved scheme. While the height of the proposed footbridge would have a vertical clearance of only about 5.25m above ground, the lightweight design with extensive use of transparent materials would make it not so visually imposing to the public realm. On balance, the current proposed footbridge system would result in some marginal benefits in visual terms when compared with the original approval;
- (l) the revised scheme also achieved a comparable performance with the original approved scheme in air ventilation terms based on the air ventilation assessment submitted by the applicant; and
- (m) given the above, the diminution in the visual permeability through the void under Building 2A was considered acceptable on balance.

36. In response to a Member's questions, Ms Irene W.S. Lai said that due to the level difference of the lobbies of the concerned buildings, the connecting footbridge would have gentle ramps to provide barrier free access. The heights of the space beneath the footbridges also varied at different locations. Nevertheless, such variation would not be visually obtrusive. Besides, the overall air ventilation performance of the revised scheme was similar to that of the original approved scheme.

Deliberation Session

37. After deliberation, the Committee decided that the applicant's current submission was acceptable for partial fulfillment of the submission part of approval condition (c) of application No. A/H21/132.

[Dr Wilton W.T. Fok left the meeting at this point.]

[The Chairman thanked Ms Irene W.S. Lai, STP/HK for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr Tom C.K. Yip, District Planning Officer/Kowloon (DPO/K) and Ms Joyce Y.S. So, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Kowloon District

Agenda Item 8

Proposed Amendments to the Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/21
(MPC Paper No.19/14)

38. The Secretary reported that this item involved proposed amendments to the Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP mainly for subsidized housing and private residential developments at the Yau Tong Industrial Area (YTIA), amongst the other amendment sites. The subsidiaries of Cheung Kong (Holdings) Ltd. (CKH), which owned some land within YTIA, had submitted a section 16 planning application for comprehensive residential development on their land, which was yet to be considered by the Committee. The following Members had declared interests in this item:

Mr K.K. Ling (Chairman) as the Director of Planning	- being a member of the Strategic Planning Committee (SPC) and the Building Committee of Hong Kong Housing Authority (HKHA) and an
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- Ex-officio member of Hong Kong Housing Society (HKHS) Supervisory Board.
- Ms Doris M.Y. Chow
as the Assistant Director of
Lands Department
- Mr Frankie W.P. Chou
as the Chief Engineer
(Works) of Home Affairs
Department
- Ms Julia M.K. Lau
- Mr H.W. Cheung
- Mr Dominic K.K. Lam
- Mr Laurence L.J. Li
- Professor P.P. Ho
- Mr Francis T.K. Ip
- being an alternate member for the Director of Lands who was a member of HKHA and an Ex-officio member of HKHS Supervisory Board.
 - being an alternate member for the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of HKHA.
 - being a member of HKHA and its Commercial Properties Committee and Tender Committee
 - being a member of the Task Force on Construction of HKHS
 - having current business dealings with HKHA and HKHS
 - his spouse's relatives owned a factory in Yau Tong
 - being a member of the Building Committee of HKHA and having current business dealings with CKH
 - had a close relative serving on the Board of Directors for CKH, and had instructions to deal with certain land lots

at the waterfront of the Yau Tong Bay

Mr Patrick H.T. Lau - having current business dealings with
HKHA and CKH

39. According to the procedure and practice adopted by the Board, as the proposed subsidized housing was only the subject of amendments to the OZP proposed by the Planning Department (PlanD), the Committee agreed that the interests of the Chairman, Ms Doris M.Y. Chow, Mr Frankie W.P. Chou and Ms Julia M.K. Lau on this item only needed to be recorded and they could stay in the meeting. As the interests of Professor P.P. Ho and Mr Francis T.K. Ip were direct, the Committee agreed that they should leave the meeting temporarily for this item. The Committee noted that Mr H.W. Cheung, Mr Laurence L.J. Li and Mr Patrick H.T. Lau had tendered apologies for being unable to attend the meeting, and Mr Dominic K.K. Lam had already left the meeting.

[Professor P.P. Ho and Mr Francis T.K. Ip left the meeting temporarily at this point.]

40. The Committee noted that a replacement page for page 5 of Appendix IV of the Paper had been tabled at the meeting. With the aid of a PowerPoint presentation, Ms Joyce Y.S. So, STP/K, presented the proposed amendments as detailed in the Paper and covered the following main points :

- (a) the proposed amendments were related to the rezoning of the “Comprehensive Development Area” (“CDA”) site at Yau Tong Industrial Area (YTIA) into five smaller “CDA” subzones and areas shown as ‘Road’ with designation of a strip of land as “Waterfront Promenade” (**Amendment Item A**); the rezoning of the ex-Cha Kwo Ling Kaolin Mine Site from mainly “Residential (Group A)4” (“R(A)4”) to four sub-zones of “Residential (Group B)” (“R(B)”) for proposed residential developments with stipulation of building height restrictions (BHRs) as well as other related zoning amendments and readjustment of the boundary of “Government, Institution or Community” (“G/IC”) zone (**Amendment Item B**); the rezoning of Cha Kwo Ling Tsuen from “R(A)4” to “Undetermined” (“U”) (**Amendment Item C**); the rezoning of two sites

along King Yip Street Nullah from mainly “Other Specified Uses” annotated “Lorry Park” (“OU(Lorry Park)”) to “Open Space” (“O”) (**Amendment Item D1**) and from mainly “O” to “Commercial” with stipulation of BHR respectively (**Amendment Item D2**); the rezoning of a site at Lei Yue Mun Praya Road from mainly “Village Type Development” (“V”) to “G/IC” for the proposed social welfare development with stipulation of the BHR (**Amendment Item E**); the rezoning of various sites to reflect their as-built conditions as roads and slopes (**Amendment Items F1 to F3 and G**); as well as the inclusion of the authorized road scheme of Tseung Kwan O – Lam Tin Tunnel on the Outline Zoning Plan (OZP) for information (**Amendment Items H1 and H2**);

Amendment Item A (about 5.02 ha) – Subdivision of the “CDA” site in YTIA

- (b) the subject site in YTIA was rezoned to “CDA” in 1998 for residential use subject to a maximum gross floor area (GFA) of 185,430m² as well as BHRs of 80mPD and 100mPD for the waterfront and inland portions respectively. The “CDA” site had not been implemented mainly due to fragmented land ownership and the surrounding active industrial installations. Current uses at the site mainly included industrial buildings, concrete batching plants, vehicle repair workshop, wholesale fish market, car park, sand depot and roads;
- (c) based on the land ownership pattern and the possibility to assemble private land, the development sites of the “CDA” zone was proposed to be subdivided into five smaller “CDA” sub-zones namely “CDA(1)” to “CDA(5)” for comprehensive development/redevelopment for residential and/or commercial uses with the provision of open space and other community and supporting facilities. Yan Yue Wai, Shung Wo Path and the western section of Tung Yuen Street within the “CDA” zone would be rezoned to areas shown as ‘Road’ to reflect its existing use. By allocating the existing maximum GFA of 185,430m² of the “CDA” zone on a pro-rata basis to each smaller “CDA” subzones, the maximum PR of each “CDA”

sub-zone was 4.71. In view of the change in the traffic and infrastructure capacity over the years, a slightly higher total PR of 5 was proposed for individual “CDA” sub-zones, which was the same as the maximum PR for the “Residential (Group E)” zone and the approved planning scheme of the adjacent Yau Tong Bay “CDA” zone nearby. The current BHRs i.e. 80mPD and 100mPD were proposed to be maintained. It was estimated that the proposed housing developments could provide about 3,400 flats with a population of about 9,600. Requirement for providing a public vehicle park with not less than 171 parking spaces was proposed in the Notes for the “CDA(5)” zone. A 15m-wide waterfront promenade along the harbour was designated within all “CDA” sub-zones and the areas at the southwestern end of Yan Yue Wai and Shung Wo Path on the OZP. Planning brief(s) would be prepared to guide the developments in these sub-zones;

- (d) the future developments were considered not visually incompatible with the surrounding existing and new developments as shown on the photomontages. Regarding air ventilation aspect, three 15m-wide non-building areas (NBA) within the “CDA” sites along the existing street grid pattern were proposed to ensure adequate air ventilation. Regarding environmental aspect, there might be interface issues between the future development with active industrial installations in the area and thus mitigation measures were required. Regarding traffic and infrastructure aspects, Yan Yue Wai would be widened and ground floor setback would be provided on both sides of Tung Yuen Street. A public access was also required to allow the public entering the waterfront promenade. Concerned departments had no objection to/no adverse comment on the rezoning proposal from visual, air ventilation, traffic, environmental and infrastructural perspectives;
- (e) the aforesaid requirements would be specified in the planning briefs. Future developers of each “CDA” sub-zone would be required to submit relevant technical assessments under section 16 planning application for approval;

Amendment Items B (about 10.54ha) – Proposed Residential Development at the ex-Cha Kwo Ling Kaolin Mine Site

- (f) the abandoned Cha Kwo Ling Kaolin Mine together with Cha Kwo Ling Tsuen fell mainly within a large “R(A)4” zone subject to a maximum domestic and non-domestic GFA of 610,000m² and 13,890m² respectively, with some portions zoned “G/IC”, “O”, “Green Belt” (“GB”) and an area shown as ‘Road’. In 2011, the PlanD commissioned the ‘Planning Review on Development of ex-Cha Kwo Ling Kaolin Mine Site’ (the Planning Review) to review the land use and facilitate early release of sites for housing development. Subsequently, the Civil Engineering and Development Department (CEDD) had undertaken ‘Feasibility Study for Development at ex-Cha Kwo Ling Kaolin Mine Site’ (the Engineering Study) to ascertain the engineering feasibility of the development proposal;
- (g) in accordance with the recommendations of the Planning Review, four government sites mainly on the formed platforms were proposed to be rezoned to “R(B)1” to “R(B)4” intended for medium-density residential developments. The residential sites would be mainly disposed of through land sale while the “R(B)4” site was designated for subsidized housing development. Taking into account the site area, topography and constraints of each platform, the proposed residential developments would have a domestic PR of 3.3 to 5.0. Such PRs are considered compatible with the adjoining large-scale residential developments having PRs of about 5.0 and 7.0. A stepped height profile from 90mPD (for sites at the southwestern part closer to the waterfront) to 95mPD and 110mPD (inner part) for the “R(B)” sub-zones was recommended. It was estimated that the housing sites at the ex-Kaolin Mine Site could provide about 2,200 flats with an estimated population of 6,100;
- (h) since a primary school was required at the ex-Kaolin Mine Site, the boundary and configuration of the “G/IC” zone at Sin Fat Road was proposed to be revised in accordance with the recommendations of the Planning Review and a maximum BH of 8 storeys was proposed. Besides,

it was proposed to re-align the access road reserved in the current OZP to serve the proposed “R(B)” zones. Various parts of the ex-Kaolin Mine Site were proposed to be rezoned to “O” for open space development and “GB” to retain the green knoll and slopes within the site;

- (i) the proposed developments would not impose significant visual impact as shown on the photomontages. Regarding air ventilation aspect, the broad air ventilation assessment (AVA) in the Planning Review concluded that this development would not induce significant adverse air ventilation impact. Two 20m-wide NBAs in southwest-northeast direction were recommended which would be incorporated into the lease conditions. Regarding traffic, environmental and infrastructural aspects, a 7.3m-wide two-lane single carriageway linking Sin Fat Road was recommended to serve the proposed development. With road improvement works and strengthening public transport services, the proposed development would not cause insurmountable traffic impacts. Concerned departments had no objection to/no adverse comment on the rezoning proposal from visual, air ventilation, traffic, environmental and infrastructural perspectives;

Amendment Item C (about 4.62 ha) – Proposed “U” zone at Cha Kwo Ling Tsuen

- (j) the remaining “R(A)4” zone occupied by Cha Kwo Ling Tsuen was proposed to be rezoned to “U” subject to a separate study on the appropriate use, development intensity and implementation mechanism for the area. Under the “U” zone, except those permitted under the Covering Notes of the OZP, all uses or developments would require planning permission from the Town Planning Board;

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

Amendment Items D1 (about 0.61ha) and D2 (about 0.96 ha) – Proposed Commercial and Open Space Development along King Yip Street Nullah

- (k) review of three government sites along King Yip Street Nullah had been undertaken by the Energizing Kowloon East Office (EKEO) with a view to better utilize the sites and tie in with the proposed transformation of the nullah to Tsui Ping River. As a result of the review, the existing Shing Yip Street Rest Garden was proposed to be relocated to a site to its south for better integration with the beautification of the nullah while the existing park would be amalgamated with the adjoining undeveloped commercial site with a maximum PR of 12 for a commercial development with public vehicle park;
- (l) the commercial site was currently occupied by temporary vehicle park. The land for the proposed Tsui Ping River Garden was zoned “OU(Lorry Park)” and currently occupied by another temporary public vehicle park. The planned lorry park had no development programme;
- (m) it was proposed to rezone the land from “OU(Lorry Park)” and ‘Road’ area to “O” for the proposed Tsui Ping River Garden and rezone another site from “O” and ‘Road’ area to “C” to form an amalgamated “C” site for a commercial development. A maximum PR of 12 and a BHR of 130mPD were proposed for the amalgamated “C” zone. A public vehicle park should be provided within the “C” zone to meet the traffic need, which had been stated in the Explanatory Statement (ES) for the “C” zone;
- (n) the proposed commercial development was not visually incompatible with the surrounding areas as demonstrated by the photomontages. Regarding air ventilation aspect, the AVA conducted by the EKEO concluded that the rezoning would not induce significant adverse air ventilation impact. A 3m-wide NBA along King Yip Street Nullah and a 20m-wide NBA in a southeast-northwest direction between the buildings for the amalgamated “C” site were recommended. These requirements would be incorporated into the lease conditions. Regarding traffic aspect, the traffic impact

assessment conducted by the EKEO concluded that the proposed development with road improvement works in the nearby road junctions was considered acceptable in traffic terms. Concerned departments had no objection to/no adverse comment on the rezoning proposal from visual, air ventilation, traffic, environmental and infrastructural perspectives;

Amendment Items E (about 0.18ha) – Proposed Social Welfare Development at Lei Yue Mun Praya Road

- (o) the site mostly zoned “Village Type Development” (“V”) was occupied by an abandoned catholic church, an abandoned kindergarten and other temporary structures. It was proposed to rezone the site to “G/IC” to amalgamate with the adjoining “G/IC” site to its north for comprehensive social welfare development. The BHR of the site was proposed to be revised to 80mPD, which was the same as that of the adjoining “G/IC” zone;
- (p) the photomontage showed that the proposed social welfare development was not visually incompatible with the surrounding areas predominantly occupied by high-rise residential developments. Regarding air ventilation aspect, the relatively open nature of the area surrounding the site would allow wind penetration. Regarding traffic aspect, the site was accessible by major roads and in proximity to public transportation services. Concerned departments had no objection to/no adverse comment on the rezoning proposal from traffic, environmental and infrastructural perspectives;

Amendment Items F1 to F3 (about 0.53ha) and G (about 0.22ha) – Rezoning Proposals to Reflect As-built Conditions

- (q) opportunity was also taken to rezone various sites from “OU(Lorry Park)”, “GB”, “O”, “R(A)”, ‘Road’ or “O” to ‘Road’ or “GB” to reflect their as-built conditions as roads and slopes;

Amendment Items H1 and H2 (about 1.05 ha) – Inclusion of Authorised Road Scheme of Tsueng Kwan O – Lam Tin Tunnel

- (r) the inclusion of the authorized road scheme on the OZP was for information only and the zonings within the authorized road scheme (i.e. “G/IC”, “GB”, “O” and “R(A)5”) were deleted. Rezoning of the residual area outside the authorized road scheme was proposed to reflect the as-built conditions including the two existing MTR ventilation buildings and tunnel portals from “G/IC” to “OU” annotated “Ventilation Building” and a strip of land near the toll plaza from “G/IC” to an area shown as ‘Road’;

Provision of Open Space and G/IC Facilities

- (s) G/IC facilities and open space in the planning area were sufficiently provided in the planning area, except primary and secondary school classrooms and post office which were in shortfall. The provision of primary and secondary school classrooms should however be assessed on a wider district basis, which was sufficiently provided in Kwun Tong District. The Education Bureau had no objection to the amendments to the OZP. Besides, post office could be accommodated inside other buildings;

Proposed Amendments to the Notes of the OZP and Proposed Revisions to the Explanatory Statement (ES) of the OZP

- (t) proposed amendments to the Notes included the incorporation of a new set of Notes for the proposed “R(B)” subzones with stipulation of PR restrictions; incorporation of the proposed “CDA” subzones with stipulation of PR restriction and waterfront promenade requirement for all sub-zones, and public vehicle park requirement for “CDA(5)” sub-zone; deletion of Notes for the “OU(Lorry Park)” zone and remarks for the “R(A)4” sub-zone under the “R(A)” zone; and refinement of paragraph 7(a) of the Covering Notes to include allowance for rail facilities and inclusion of paragraph 10 regarding the “U” zone. The ES of the OZP would be revised to reflect the corresponding proposed amendments, and to update

the general information of the various land use zones to reflect the latest status and planning circumstances of the OZP where appropriate;

Consultations

- (u) relevant government departments consulted had no objection to or no adverse comment on the proposed amendments;
- (v) the Kwun Tong District Council (KTDC) was consulted on 2.9.2014 on the major rezoning proposals. Members had no in-principle objection to the development proposals but raised their concerns on the community facilities provision and traffic impacts of the proposed developments, in particular the traffic impact and road connection of the proposed residential development at the ex-Kaolin Mine Site and the public vehicle park provision in Yau Tong area;
- (w) two written submissions from Laguna City Estate Owners' Committee and a KTDC member were received at the KTDC meeting. The former mainly requested to provide another road connection from the future development at the ex-Kaolin Mine Site to Cha Kwo Ling Road while the latter mainly opposed the provision of an emergency vehicular access (EVA) at Cha Kwo Ling Tsuen for the ex-Kaolin Mine Site and requested to develop the proposed "G/IC" zone at Lei Yue Mun Praya Road to a social welfare facility with multi-storey carpark. A letter dated 23.9.2014 was received from Cha Kwo Ling Residents Concern Group and they also opposed the provision of an EVA at Cha Kwo Ling Tsuen for future development at the ex-Kaolin Mine Site. CEDD and PlanD met the representatives of the Laguna City Estate Owners' Committee together with KTDC members and the villagers of Cha Kwo Ling Tsuen on 17.9.2014 and 23.9.2014 respectively to discuss, amongst others, the proposed road connection and traffic arrangement for the ex-Kaolin Mine Site. Relevant departments were consulted on the above comments/suggestions received and the detailed responses to the comments/suggestions were in Attachment XI of the Paper; and

- (x) KTDC and the Harbourfront Commission would be consulted before or during the plan exhibition period.

Amendment Item A

41. Noting that the subject “CDA” sites possessed a valuable and prominent harbourfront location in the Territory, a Member asked whether there was any design feature to fully utilize such a location advantage. In response, Mr Tom C.K. Yip said that more detailed design measures, such as provision of building gap, NBA, restriction of podium design etc., could be incorporated in the Planning Briefs of the “CDA” subzones to be formulated by PlanD at a later stage to guide the prospective developments. In response to the same Member’s questions on the consultation with stakeholders relating to this particular section of the harbourfront, Mr Tom Yip said that KTDC and the Harbourfront Commission would be consulted on the rezoning proposals before or during the exhibition period of the draft OZP for public inspection. As for the same Member’s question on the reprovisioning arrangement of the affected facilities in these “CDA” sites (e.g. the concrete batching plant), Mr Tom Yip said that the affected parties could approach the relevant bureau and departments for assistance. If there was policy support to reprovision the affected facilities elsewhere, PlanD and other relevant departments would help identify suitable reprovisioning site.

42. In response to the Chairman’s questions, Mr Tom C.K. Yip said that in order to enhance vibrancy and attractiveness of the waterfront promenade at the subject “CDA” sites while maintaining flexibility for the future developers, it was proposed to specify in the ES of the Notes for these “CDA” sub-zones that suitable commercial uses, especially shop and services and eating place, could be provided in the future developments along the waterfront promenade to enhance the vibrancy and public enjoyment. Detailed requirements on the design of the waterfront promenade would be formulated during the preparation of the Planning Brief. In response to the Chairman’s question on the rationale for providing a public vehicle park at “CDA(5)” site, Mr Tom Yip said that the site was currently occupied by two temporary car parks providing about 170 parking spaces. There was also strong demand from local communities, especially the operators of seafood restaurants in Lei Yue Mun, for more parking spaces to serve tourists and visitors in the district. Such parking demand was also confirmed by the Transport Department. Hence, the same number of

parking spaces as the current provision at the site was to be provided in “CDA(5)” zone.

43. A Member said that some special features like landing steps could be considered for inclusion in the subject waterfront promenade to increase its attractiveness, and the waterfront promenade should be well connected to the adjacent Lei Yue Mun Typhoon Shelter. In response, Mr Tom C.K. Yip said that Sam Ka Tsuen Ferry Pier with landing steps was located within the “Open Space” (“O”) zone at Lei Yue Mun Typhoon Shelter to the immediate southeast of the “CDA” sites, and it was not necessary to provide similar facilities at the concerned promenade. Noting that the “Waterfront Promenade” designated at the subject “CDA” sites was separated from the aforesaid “O” zone by Shung Shun Street, the Committee agreed to designate that part of Shung Shun Street as “Waterfront Promenade” so as to create a continuous promenade from Yau Tong to Lei Yue Mun.

44. In response to the Vice-chairman’s questions, Mr Tom C.K. Yip said that a maximum GFA of 185,430m² was stipulated for the whole “CDA” zone in 1999 taking into account the then traffic and infrastructure capacity in the area. By allocating the GFA on a pro-rata basis with reference to the site area of each development site, the maximum PR of each “CDA” sub-zone was 4.71. In view of the change in traffic and infrastructure capacity over the years, a slightly higher total PR of 5.0, same as the maximum domestic PR for the “R(E)” zone to the immediate north and west of the site, and the total PR of the approved planning scheme of the adjacent “CDA” zone at Yau Tong Bay, was proposed for individual “CDA” sub-zones. Concerned departments had confirmed that the slight increase in PR, which was only about 6%, would not have significant impacts on urban design, traffic, environment and infrastructural aspects. Prospective developments of the “CDA” sites would be monitored by the Town Planning Board in the Master Layout Plan submission stage.

Amendment Item B

45. In response to the Chairman’s questions on the necessity of providing another access road connecting the proposed residential sites at ex-Kaolin Mine Site to Cha Kwo Ling Road, Mr Tom C.K. Yip said that according to the traffic assessments conducted in the Planning Review and Engineering Study, the proposed access road connecting to Sin Fat Road was already adequate to serve the proposed residential developments provided that the

recommended road improvement works in the nearby road junctions as well as strengthening of public transport services were carried out. There was no need to provide another access road connecting to Cha Kwo Ling Road. The access road would pass through Cha Kwo Ling Tsuen on which the residents of Cha Kwo Ling Tsuen had reservation. It would have very steep gradient and would likely pass through the green knoll and involve significant tree felling.

46. In response to the Chairman's further question, Mr Tom C.K. Yip said that it was considered more appropriate to rezone Cha Kwo Ling Tsuen to "U" at this juncture subject to a separate study on the appropriate use, development intensity and implementation mechanism for the area.

Amendment Item D

47. Noting that the existing Shing Yip Street Rest Garden site was included in the amalgamated "C" site for commercial development, the Chairman asked how the existing trees in the rest garden would be preserved. Mr Tom C.K. Yip said that concerned departments conducted tree survey before land sale to assess the impact of the commercial development on the existing trees. Tree preservation clause would be incorporated into the lease conditions of the commercial site, and given the relatively large size of the site, it was expected that many trees within the site could be preserved.

48. A Member enquired on the beautification work of the King Yip Street Nullah and the utilization of spaces underneath flyovers nearby. Mr Tom C.K. Yip said that the Drainage Services Department had proposed to beautify the King Yip Street Nullah and transform it into Tsui Ping River by providing more greening and pleasant pedestrian environment along the nullah. The Chairman said that EKEO had successfully revitalized several sites underneath the Kwun Tong Bypass, and would adopt similar measures to other spaces underneath flyovers in Kowloon East as appropriate.

49. The Chairman drew Members' attention that NBA requirements proposed for the "CDA" sub-zones under Amendment Item A, "R(B)" sub-zones and "G/IC" zone under Amendment Item B, and "C" zone under Amendment Item D2 would be specified in the ES instead of the Notes of the OZP so as to provide flexibility to prospective developers. As

these sites were either government land for land sale or zoned “CDA”, there would be adequate control in the lease conditions or the Master Layout Plan of those “CDA” sites.

50. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/21 as shown on the draft OZP No. S/K15/21A (to be renumbered to S/K15/22 upon exhibition) and its draft Notes, subject to the revision of Amendment Item A to extend the area designated “Waterfront Promenade” on the OZP to cover the section of Shung Shun Street abutting the harbour, were suitable for exhibition for public inspection under section 5 of the Ordinance; and
- (b) adopt the revised ES for the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/21A (to be renumbered as S/K15/22 upon exhibition) as an expression of the planning intentions and objectives of the Board for various land use zones of the OZP and the revised ES would be published together with the draft OZP.

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

[Professor P.P. Ho, Mr Francis T.K. Ip and Mr Frankie W.P. Chou returned to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/711 Proposed Shop and Services (Bank) in "Other Specified Uses" annotated "Business" zone, Unit A1 on G/F, Block I of Camelpaint Buildings, No. 62 Hoi Yuen Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/711)

51. The Secretary reported that Raymond Chan Surveyors Ltd. was the consultant of

the applicant. Mr Dominic K.K. Lam had declared an interest in this item as he had current business dealings with Raymond Chan Surveyors Ltd.. The Committee noted that Mr Lam had already left the meeting.

Presentation and Question Sessions

52. 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 adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment supporting the application was received from the Chairman of Kwun Tong Central Area Committee, Mr. Chong Yam-ming, without giving any reason. No local objection/view 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.

53. In response to the Vice-chairman's question, Ms Joyce Y.S. So said that the subject premises was currently used as fast food cum retail (bakery) shop with the planning permission granted by the Board under application No. A/K14/444. The planning permission under application No. A/K14/677 for proposed shop and services (bank) at the subject premises was lapsed as the approved use had not commenced within the two-year validity period.

Deliberation Session

54. 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 28.11.2016, 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.”

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

- “(a) to 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 application premises;
- (b) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings 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 appoint an Authorized Person to submit building plans for the proposed change in use and/or alteration works to demonstrate compliance with the Buildings Ordinance (BO), in

particular, the provision of adequate means of escape, sanitary fittings and fittings, and access and facilities for persons with a disability, and that the application premises should be separated from the remaining portion of the building by fire barriers; to note Clause B5.7 of Code of Practice for Fire Safety in Buildings 2011 if the discharge point of the exit route to the ultimate place of safety adjoins another exit route or other accommodation; for unauthorized building works (UBW) erected on private land/building, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the 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 10

Any Other Business

56. There being no other business, the meeting closed at 11:40 a.m..