

## **TOWN PLANNING BOARD**

### **Minutes of 530th Meeting of the Metro Planning Committee held at 9:00 a.m. on 13.3.2015**

#### **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

Mr Laurence L.J. Li

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

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

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr K.H. To

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

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

Secretary

**Absent with Apologies**

Ms Bonnie J.Y. Chan

**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 Dennis C.C. Tsang

1. The Chairman extended a welcome to Dr Lawrence W.C. Poon for his first attendance at the meeting.

### **Agenda Item 1**

#### **Confirmation of the Draft Minutes of the 529th MPC Meeting held on 27.2.2015**

[Open Meeting]

2. The draft minutes of the 529th MPC meeting held on 27.2.2015 were confirmed without amendments.

### **Agenda Item 2**

#### **Matters Arising**

[Open Meeting]

3. The Secretary reported that on 27.2.2015, the Committee decided to partially agree to the proposed amendments to the approved Stanley Outline Zoning Plan (OZP) No. S/H19/10. It was later found in the Notes attached to the OZP submitted for the Committee's consideration that there was a typographical error in paragraph (4) of the Remarks of the "Residential (Group C)" zone. The relevant sentence in the said Remarks should be revised to read as :

“(4) In determining the maximum plot ratio and site coverage for the purposes of paragraphs ~~(2) and~~ (3) above, any floor space that is constructed or intended for use .....

4. Members agreed to the amendments made to the Remarks of the zone.

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/KC/5                      Application for Amendment to the Draft Kwai Chung Outline Zoning Plan No. S/KC/26, to rezone the application site from "Industrial" to "Other Specified Uses" annotated "Columbarium", Nos. 22-24 Wing Kei Road, Kwai Chung  
(MPC Paper No. Y/KC/5)

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5.                      The Secretary reported that Ove Arup & Partners Hong Kong Limited (OAP) was one of the consultants of the applicant. Professor P.P. Ho and Mr Dominic K.K. Lam had declared interests in the item as they had current business dealings with OAP. Members noted that they had no involvement in the application and agreed that they should be allowed to stay in the meeting. Members also noted that Professor Ho had not yet arrived to join the meeting.

6.                      Mr Lawrence Y.C. Chau, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Ms Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), and the following representatives and consultants of the applicant, were invited to the meeting at this point:

Mr Raymond W.S. Choy )	
Mr W.H. Chiu                      )	Applicant's representatives
Ms K.L. Au-Yeung                      )	
Ms Theresa Yeung                      -	
Ms Natalie Leung                      -	
Ms Jovial Wong                      -	
Ms Carmen Chu                      -	Applicant's consultants
Mr Tikone H.T. So                      -	
Mr Amos Law                      -	
Mr Jimmy Li                      -	

7. The Chairman extended a welcome and explained the procedure of the meeting. Ms Fannie F.L. Hung, STP/TWK, was then invited to brief Members on the background to the application.

### Presentation and Question Sessions

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

#### The Proposal

(a) the applicant proposed to rezone the site from “Industrial” (“I”) to “Other Specified Uses” annotated “Columbarium (2)” (“OU(Columbarium(2))”) on the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/26 (at the time of application) to facilitate the wholesale conversion of the existing industrial building for columbarium development. The major development parameters of the proposed development were as follows:

Site area:	325.2 m <sup>2</sup> (about)
Total gross floor area:	3,080 m <sup>2</sup>
Plot ratio:	9.47
Building Height:	42.45 m (58.07 mPD)
No. of storeys:	13
Site coverage:	80%
Number of niches:	23,000 niches (about 7.5 niches/m <sup>2</sup> )
Parking facilities:	
- Shuttle bus parking bays:	2
- Private car parking spaces for the disabled:	1

(b) the proposed uses by floor were summarised as follows:

Ground Floor:	Lobby, carpark, loading and unloading area
1/F and 2/F:	Remembrance halls
3/F to 12/F:	Storage of columbarium niches

- (c) a new set of Notes for the “OU(Columbarium(2))” zone was proposed where ‘Columbarium’ use was put under Column 2 and the maximum number of niches of 23,000 was stipulated in the Remarks;
- (d) the applicant had also made the following major proposals on the operation of the proposed columbarium:
  - (i) an “E-worship System” was introduced to encourage filial progeny to use electronic devices for virtual worship;
  - (ii) the proposed columbarium would be closed during the Ching Ming and Chung Yeung Festivals;
  - (iii) on-site worshipping was not encouraged. Visitors were required to make a prior appointment and reservation to visit the remembrance halls for worshipping. High rental fee would be charged. No visitors were allowed to access the columbarium floors except for occasional maintenance of niches on appointment basis. No burning of treasures, offerings, paper replicas and incense within the site would be allowed;
  - (iv) shuttle bus services would be provided to the visitors. For those not using the service, a fixed penalty would be imposed;
  - (v) for the hypothesis scenario (i.e. worshipping was allowed during the festive periods), an additional lay-by and 4 private car loading and unloading spaces were proposed to accommodate the proposed shuttle bus service. There would also be road improvement works at nearby road junctions;
  - (vi) the operating hour would be from 8 a.m. to 6 p.m.. Each visiting period would be limited to 45 minutes; and
  - (vii) an agreement setting out house rules and regulations would be signed between the operator and the customers.

[Professor P.P. Ho, Mr Clarence W.C. Leung and Dr Wilton W.T. Fok arrived to join the

meeting at this point.]

Departmental Comments

- (e) the departmental comments were detailed in paragraph 8 of the Paper and highlighted as follows :
- (i) the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department commented that the operation arrangements proposed by the applicant were not enforceable under lease;
  - (ii) the Director General of Trade and Industry (DG of TI) had reservation on the application as there was concern on whether there would be adequate industrial land to meet the demand for industrial floor space if the application was approved; and
  - (iii) the Commissioner for Transport (C for T) had no comment on the Traffic Impact Assessment (TIA) submitted by the applicant provided that the proposed road improvement works and shuttle bus services under both the normal and hypothesis scenarios were implemented. The Commissioner of Police (C of P) had no comment on the TIA from the traffic and crowd management points of view, but had reservation if the implementation of the proposed road signature improvement measures and shuttle bus services under both the normal and hypothesis scenarios could not be ensured through the existing enforcement mechanism;

Public Comments

- (f) on 17.4.2014, the Working Group on Monitoring of Columbarium Facilities in Kwai Tsing (the WG) set up by the Kwai Tsing District Council (K&T DC) passed a motion objecting to the application. Members of the WG at a later meeting reiterated that they supported public columbaria in Kwai Chung, but would not support private columbaria. Some K&T DC members submitted comments on the application expressing their concern that cumulative impact of approving private columbaria in Kwai Chung would turn the area into a ‘Columbarium City’; and

- (g) during the statutory public inspection periods of the application, a total of 35,562 public comments, including 35,505 supporting (35,489 of which were in standard forms) and 57 objecting to the application, were received. The major reasons for objection were related to concerns on columbarium policy, traffic impacts on the surrounding area, psychological impacts on the workers nearby, adverse impact on the businesses nearby and cumulative impact on columbarium developments in Kwai Chung.

Planning Department (PlanD)'s Views

- (h) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows :
- (i) the planning intention of the “I” zone was to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space. The site was situated in the inner part of an industrial area and was surrounded by industrial buildings which were still in active operation. The proposed columbarium development was considered incompatible with the surrounding developments which were predominately industrial in character;
  - (ii) apart from the three proposed public columbaria, the existing public columbaria in Kwai Chung also included the Kwai Chung Crematorium and Columbarium (KCCC) and the Tsuen Wan Chinese Permanent Cemetery. Together with the proposed private columbarium development under application No. Y/KC/3 agreed by the Committee in 2014, there would be some 156,180 niches in the Kwai Chung area. There was public concern about the cumulative impact of approving private columbaria in Kwai Chung;
  - (iii) based on the ‘Area Assessment 2009 of Industrial Land in the Territory’ (the Area Assessment Study) conducted by PlanD, the “I” zone covering the site and its adjoining areas was recommended to be retained given the prevalent active and established industrial uses in the area. Given the



vibrancy of industrial activities in the subject “I” zone, there was no strong justification for sacrificing industrial land for columbarium development at the site, which was considered incompatible with the surrounding industrial use and that there was already a large supply of both public and private columbarium niches in Kwai Chung;

- (iv) the applicant had not demonstrated that the proposed 23,000 niches could be accommodated on the site in an adequate manner; and
- (v) there would not be an effective enforcement mechanism to ensure that the proposed operation arrangement would be implemented and no adverse traffic impact would be resulted.

9. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Theresa Yeung made the following main points :

- (i) a similar application (No. Y/KC/3) for columbarium use in the same “I” zone had been partially agreed by the Committee on 13.12.2013;
- (ii) the current application and application No. Y/KC/3 shared 5 similar factors of consideration, in terms of scale (both with 23,000 niches) to meet the territorial columbarium demand; proximity to the nearest residential development (both are about 400 m away residential use); no adverse traffic, environmental, landscape and visual impacts, and fire safety problems; appropriate building bulk (the current application involved only the wholesale conversion of an existing industrial building); and planning control (both would require submission of s.16 application);

#### Meeting Territorial Demand for Private Columbarium

- (iii) the territorial demand for private niches till 2029 was about 403,440. Having taken into account the supply provided in the market and those approved by the Town Planning Board, it was estimated that the total shortfall of private niches till 2029 would be 330,542. The projected total

demand for private niches between 2030 and 2041 was estimated to be 655,742. Should the subject application be approved, there would be about 45% of public niches and 25% of private niches in Kwai Chung area;

10. The Chairman requested Ms Yeung to be more succinct in her presentation. Two Members also asked her to concentrate on the justifications for the proposed development instead of providing detailed figures to demonstrate the shortfall of niches which was a known fact.

11. Ms Theresa Yeung continued her presentation as follows:

#### Suitability of Columbarium Use in “I” Zone

- (i) the proposed columbarium was compatible with the surrounding land uses. The site was more than 400 m from the nearest residential development (i.e. Kwai Shing West Estate);

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

- (ii) approval of the application would not affect the overall industrial land supply in Kwai Chung as the application site covering an area of about 0.032 ha which was less than 0.19% of the total industrial land in Kwai Chung area (41.33 ha), or only 0.08% of the land zoned “I” on the draft Kwai Chung OZP No. S/KC/28. It was estimated that 8.4% of the industrial land in Kwai Chung was either left vacant or not fully utilised for industrial purpose. Among the 11 pieces of government land within the “I” zone, about 3.46 ha had not been permanently developed for industrial use since 1963. These sites were mainly used for public car park, site office or recycling centre;
- (iii) taking out the piece of government land to the west which was left vacant for years, the site could be considered as locating at the fringe of the existing industrial cluster. Approval of the application would have minimal impact on the surrounding industrial land;

[Mr H.W. Cheung and Dr Wilton W.T. Fok left the meeting temporarily at this point.]

#### Technical Feasibility

- (iv) although the WG had expressed concerns on the traffic and operational aspects of the proposed columbarium, it was noted that C for T and C of P had no comment on the TIA. The Secretary for Food and Health and the Director of Food and Environmental Hygiene had no objection to the application. Other concerned departments had no adverse comment on the application on environmental, building, fire safety, landscape and visual aspects;

#### Building Bulk

- (v) the proposed columbarium under the subject application, with a site area of about 0.032 ha, GFA of about 3,080 m<sup>2</sup> and building height of about 42.45m was of a smaller scale as compared with the approved application No. Y/KC/3. For the subject application, the current number of niches per m<sup>2</sup> was 7.5. The applicant proposed at the meeting to reduce the total number of niches from 23,000 to 11,088 to achieve a ratio of 3.6 niches/m<sup>2</sup>, which would be the same as that of application No. Y/KC/3;

#### Planning Control Mechanism

- (vi) it was proposed to put ‘columbarium’ use under Column 2 of the “OU (Columbarium(2))” zone with the stipulation of the maximum number of niches;

#### Meeting Public Aspirations

- (vii) the proposed columbarium met the public aspirations as stated in the Food and Health Bureau’s (FHB) “Public Consultation on Review of Columbarium Policy” in 2010 in that the public and stakeholders generally

supported measures to increase supply of columbarium facilities; the expedition to provide niches and build multi-storey columbarium facilities; the conversion of industrial buildings for columbarium facilities was welcomed; and the Government should continue to promote the transformation of social customs and encourage sustainable means of handling cremains and paying tribute to the deceased; and

#### In Line with FHB's Guidelines

(viii) the proposed columbarium was in line with FHB's "Guidelines for Provision of Columbarium Facilities in Industrial Buildings" (2011) in that it was adjacent to existing cemeteries/columbarium developments; it was located at the fringe of the industrial area and away from existing residential developments; there were no major accessibility/building constraints; it was compatible with the existing character of the surrounding area; and it would convert the under-utilised industrial building.

12. Ms Theresa Yeung also showed a video at the meeting recapitulating the need for private columbaria in Hong Kong and the operation mode of the proposed development.

[Ms Julia M.K. Lau and Mr H.W. Cheung returned to join the meeting at this point.]

13. In response to a Member's question, Mr Raymond W.S. Choy said that the e-worship system had already been fully developed and ready for use, and patent for the system had also been sought in China and Hong Kong.

14. Ms Theresa Yeung noted the Chairman's concern on the e-worship system and said that in considering the TIA for the proposed development, two scenarios were assumed, namely the normal scenario reflecting the applicant's intention of not allowing worshipping during the Ching Ming and Chung Yeung festive periods, and the hypothesis scenario assuming that there would be worshipping during the festive periods. Both C for T and C of P had no objection to the TIA subject to the implementation of the proposed traffic measures under both scenarios.

15. A Member asked why the low vacancy rate was considered as an indicator of the

demand for industrial land, having noted that a similar application (No. Y/KC/3) for columbarium use had been allowed in the same “I” zone. Mr Lawrence Y.C. Chau, DPO/TWK, responded that the low vacancy rate indicated that there was a high demand for uses of the existing industrial premises in the area and the industrial land should be retained as far as possible. The Government had recently sold some industrial land to meet the demand for industrial uses, including logistics, data centres, warehouse and storage, workshop, etc. As for the approved application, Mr Chau pointed out that the proposed columbarium was located at the southern fringe of the “I” zone and adjacent to a crematorium. It met the ‘Guidelines for Provision of Columbarium Facilities in Industrial Buildings’ in that it had avoided industrial buildings located in the heart of an existing active industrial area. For the current application, the site was located in the core part of the industrial area and approval of the application would result in landuse incompatibility with its adjacent industrial developments.

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

16. In response to the same Member’s enquiry, Ms Theresa Yeung confirmed that the reduction of the number of niches to 11,088 was first proposed at the meeting. With a reduced scale, it was anticipated that the volume of pedestrian and vehicular traffic would be reduced and the proposal would have no adverse traffic, landscape, visual, fire safety, environmental and building impacts.

17. A Member asked about the fire safety arrangement for the proposed development. Mr Lawrence Y.C. Chau, DPO/TWK, said that D of FS had no objection to the application but would further consider the fire safety arrangement at the building plan submission stage. D of FS had not specifically made any comments on the pedestrian volume to be generated from the proposed columbarium, noting the operation arrangement proposed by the applicant. On control of visits and crowd control aspect, Mr Raymond W.S. Choy said that on-site worshipping was not encouraged and the columbarium would be closed at Ching Ming and Chung Yeung festivals. Visitors were required to make prior appointment and reservation to visit the remembrance halls. Ms Theresa Yeung said that two scenarios had been adopted in the TIA. For the ‘hypothesis’ scenario under which on-site worshipping was allowed, C of P had no comment on the crowd control proposal and the TIA. Ms Carmen Chu supplemented that only minor special arrangements of the nearby traffic lights and slight

change of road signages would be required during Chung Yeung and Ching Ming festivals even if the proposed columbarium was opened under the ‘hypothesis’ scenario. The TIA had taken into account the largest volume of vehicular flow during the festive periods.

18. In response to a Member’s questions, Mr Raymond W.S. Choy said that queuing back of visitors onto the streets would not be allowed. Ms Carmen Chu said that in conducting the TIA, it was estimated that on a normal day, there would be about 500 visitors per day or 50 visitors per hour. On a festival day, there would be about 2,800 visitors per hour. Mr Raymond W.S. Choy said that with the proposed reduction of niches from 23,000 to 11,088, the number of visitors would be less.

19. In response to the Chairman’s question, Mr Lawrence Y.C. Chau, DPO/TWK, said that the “Guidelines for Provision of Columbarium Facilities in Industrial Buildings” was published by FHB in 2011. On the 3 proposed sites for columbarium developments in the surrounding, Ms Fannie F.L. Hung, STP/TWK, said that the rezoning of the site in the northern part of the “I” zone was gazetted in 2013. Regarding the two sites in the south, the Food and Environmental Hygiene Department had commissioned a consultancy study on the feasibility of using one of the sites for columbarium use, and the feasibility study for the remaining site had yet to be carried out.

20. In response to a Member’s questions, Ms Fannie F.L. Hung, STP/TWK, said that the site of application No. Y/KC/3 was located at the southern fringe of the “I” zone and next to the existing KCCC. After the approval of application No. Y/KC/3, a WG was set up by the K&T DC to monitor the impacts of the growing number of private columbaria in the District. The WG supported public columbaria. In a meeting held in April 2014, the WG passed a motion objecting to the subject application and expressed concern that the cumulative impact of approving private columbaria in the District would turn it into a ‘Columbarium City’.

21. As the applicant’s representatives had no further points to make and Members had no questions to raise, the Chairman informed them that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairman thanked the applicant’s representatives and PlanD’s representatives for attending

the meeting. They all left the meeting at this point.

### Deliberation Session

22. A Member said that application No. Y/KC/3 was approved under very special considerations as the site was located at the fringe of the “I” zone, which was different from the subject application. The Vice-chairman concurred with the Member’s views and expressed doubt on the feasibility of the applicant’s proposed arrangement of not allowing visit to the columbarium during Chung Yeung and Ching Ming Festivals. He further said that the applicant’s proposal to reduce the number of niches from 23,000 to 11,088 might not make any material difference in the consideration of the application as the same number of remembrance halls would be open for worshipping, resulting in the same traffic concern.

23. Members generally did not support the application, mainly on the considerations that the site was in the inner part of the “I” zone and was not compatible with the surrounding industrial developments which were in active operation; the feasibility of the operation arrangement proposed by the applicant had not been tested and there were also doubts on effective enforcement on such arrangement; there were already a large supply of existing/planned public and private columbaria in the area, and sufficient industrial land should be retained in Kwai Tsing District; and K&T DC had expressed concerns on the growing number of private columbaria in the District.

24. On enforcement of the operation arrangement proposed by the applicant, Ms Doris M.Y. Chow, Assistant Director (Regional 1), Lands Department, said that the proposed arrangement was not enforceable and could not be imposed under the lease.

25. Some Members expressed dissatisfaction with the applicant for putting forward a revised proposal, which was substantially different from the submitted proposal with about 50% reduction in the number of niches, for the first time at the meeting. This would not only deprive relevant government departments of the chance to assess the implication of the revised proposal and advise the Board accordingly, but also the public to give views on the revised proposal.

26. The Chairman concluded that Members generally did not agree to the proposed zoning amendment. He then invited Members to go through the suggested rejection reasons

on page 16 of the Paper. Members generally considered that rejection reason (b) should be amended by not making reference to low vacancy rate and rejection reason (d) should be deleted as it was not a reason for rejecting the rezoning application.

27. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- “(a) the planning intention of the “Industrial” zone is to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space. The site is situated in the inner part of an industrial area and is surrounded by industrial buildings which are still in active operation. The proposed columbarium development is considered incompatible with the surrounding developments which are predominately industrial in character;
- (b) given there is already a large supply of both public and private columbarium niches in Kwai Chung, there is no strong justification for sacrificing industrial land for columbarium development in view of the vibrancy of the industrial activities around the application site;
- (c) there is a lack of effective enforcement mechanism to safeguard the continuous implementation of the operation arrangement proposed by the applicant. As a result, it cannot be ensured that there will not be adverse traffic impact arising from operation of the proposed columbarium at the site; and
- (d) the approval of the application will set an undesirable precedent for similar applications falling within the same “I” zone. The cumulative effect of approving such applications would aggravate the loss of industrial land and adverse traffic impact in the area.”

[Professor P.P. Ho, Mr Clarence and W.C. Leung and Dr Wilton W.T. Fok left the meeting at this point.]

[The meeting was adjourned for a break of 5 minutes.]



## **Hong Kong District**

### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

Y/H24/6                      Application for Amendment to the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8, to rezone the application site from “Other Specified Uses” annotated “Military Use” to “Commercial” annotated “Hotel” and an area shown as ‘Road’, People’s Liberation Army Hong Kong Garrison Headquarters (Central Barracks), Central, Hong Kong  
  
(MPC Paper No. Y/H24/6)

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28.                      Ms Ginger K.Y. Kiang, District Planning Officer/Hong Kong (DPO/HK), and Ms W.H. Ho, Senior Town Planner/Hong Kong (STP/HK), and Mr K.K. Sit, the applicant’s representative, were invited to the meeting at this point.

29.                      The Chairman extended a welcome and explained the procedure of the meeting. He then invited Ms W.H. Ho, STP/HK, to brief Members on the background to the application.

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

30.                      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 :

##### **The Application**

- (a) the application was for amendment to the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/8 by rezoning a site at the People’s Liberation Army Hong Kong Garrison (PLA HK Garrison) Headquarters (Central Barracks), Central (the site) from “Other Specified Uses” annotated “Military

Use” (“OU(MU)”) to “Commercial” annotated “Hotel” (“C(H)”) and an area shown as ‘Road’ for hotel development;

- (b) there was no development proposal/scheme/parameter or impact assessment submitted by the applicant;

Departmental Comments

- (c) the departmental comments were detailed in paragraph 9 of the Paper and highlighted as follows:

- (i) the Secretary for Security (SS) commented that the subject site was one of the military sites established in accordance with the Exchange of Notes between the Government of the People’s Republic of China (PRC) and the Government of the United Kingdom in 1994 on the future use of the military sites in Hong Kong. It had been declared as a military installations closed area under the Military Installations Closed Areas Order (Cap. 245B) and a protected place under Protected Places Order (Cap. 260A) for use of the PLA HK Garrison for defence purpose. It was inappropriate to rezone the site to other uses. He also relayed the PLA HK Garrison’s objection to the application;
- (ii) the Secretary for Development concurred with comment from SS that it was inappropriate to rezone the site to other uses;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department commented that in the absence of any illustrations and/or indications on the permissible building heights at the proposed “C(H)” zone and any supporting information, he had reservation on the proposal’s impact on the integrity of the design concept, and the air ventilation and landscape planning perspectives;
- (iv) the Commissioner for Transport commented that the applicant should submit a Traffic Impact Assessment to assess the anticipated traffic

impact on the nearby roads arising from the proposed rezoning; and

- (v) the Commissioner for Tourism welcomed the provision of more hotel facilities to enhance the appeal of Hong Kong as an international convention, exhibition and tourism capital. However, given the PLA HK Garrison Headquarters was located at the site, the proposal should be considered from perspectives including land administration, land use planning, technical feasibility and implementation of the proposed development.

Public Comments

(d) during the statutory public inspection period of the application, a total of 30 public comments were received, amongst which 25 supported, 3 objected to and 2 provided general comments on the application:

- (i) the main grounds of supporting the application were that there was no need for the PLA HK Garrison Headquarters to be located in the central business district (CBD); the site could meet the strong demand for commercial spaces in the CBD; the proposed hotel was compatible with the surrounding environment and in line with the overall planning intention of the Central District; it could enhance the tourism facilities, support tourism development in Hong Kong, and promote greater vibrancy in the Central waterfront;
- (ii) the main grounds of objection were that the site was one of the military sites handed over by the British Garrison to the People's Republic of China since reunification. The Town Planning Board did not have the power to change the military use of the site. Also, there were already enough hotels in Hong Kong; and the proposed hotel use would generate more traffic and cause adverse impacts on the local road network and air circulation in the area; and
- (iii) the two comments proposed that the site should be rezoned for Government,

Institution or Community use to provide a training and education centre for the youth, and it could also be rezoned to “Open Space” for public enjoyment;

Planning Department (PlanD)’s Views

(e) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows:

- (i) the site was one of the military sites handed over to the PLA HK Garrison in accordance with the Exchange of Notes between the Government of the People’s Republic of China and the Government of the United Kingdom in 1994 on the future use of the military sites in Hong Kong. It had been declared as a military installations closed area under the Military Installations Closed Areas Order (Cap. 245B) and a protected place under Protected Places Order (Cap. 260A) for use of the PLA HK Garrison for defence purpose. The existing use of the land for the PLA HK Garrison Headquarters was in line with the planning intention for “OU(MU)” zoning of the site and complies with Cap. 245B and 260A;
- (ii) the proposed change in land use would affect the defence functions and responsibilities being performed by the PLA HK Garrison. The subject military site should be retained for defence purpose;
- (iii) there was no development proposal/scheme/parameter or impact assessment submitted by the applicant to substantiate the proposal. In the absence of any supporting information and/or impact assessments, it was impossible to ascertain the applicant’s claims on the benefits achieved from the proposed rezoning and to demonstrate that the proposed hotel development would not cause adverse impacts on the surrounding area; and
- (iv) the approval of the application would set an undesirable precedent for similar rezoning applications in the “OU(MU)” zone and the cumulative effect of which would affect the military sites for defence purpose.

31. The Chairman then invited Mr K.K. Sit to elaborate on the application. Mr Sit made the following main points:

- (i) there were two precedent cases of rezoning ex-military sites for other uses. The site in Kowloon Tong had now been used as a school and the one in Queen's Hill had been proposed for residential use;
- (ii) the military facilities did not have to be located in Central. It would be more appropriate to relocate the facilities to Kowloon while the naval base could be relocated to Stonecutter's Island;
- (iii) even if the application was agreed by the Committee, the PLA HK Garrison as an existing use could still remain at the site until the land was released for the approved hotel use; and
- (iv) PlanD did not provide any reasons in paragraph 13 of the Paper for not supporting the application.

32. At the request of the Chairman, Ms Ginger K.Y. Kiang, DPO/HK, clarified that the suggested reasons for not supporting the application had been included in paragraph 12.1 of the Paper.

33. As the applicant's representative had no further points to make and Members had no questions to raise, the Chairman informed him that the hearing procedure for the application had been completed and the Committee would deliberate on the application in his absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representative and PlanD's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

34. The Vice-chairman considered that a military site should first be released by the PLA HK Garrison to the Government of the Hong Kong Special Administrative Region (HKSAR) before it could be considered for alternative use. In the subject application, the

applicant proposed the site for hotel development while it was still being used as a military base. The Chairman said that the two ex-military sites mentioned by the applicant as precedent cases were released by the British garrison to Hong Kong Government as the sites were no longer needed.

35. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons of rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the “Other Specified Uses” annotated “Military Use” (“OU(MU)”) zoning is considered appropriate to reflect the existing use of the site;
- (b) there is no strong planning justification nor technical assessment in the submission to substantiate the rezoning application and demonstrate that the proposed development would not create adverse impact on the surrounding area; and
- (c) the approval of the application will set an undesirable precedent for similar rezoning applications in the “OU(MU)” zone and the cumulative effect of which would affect the military sites for defence purpose.”

[Ms Fannie F.L. Hung, 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 5**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/428                      Proposed Hotel in “Other Specified Uses” annotated “Business” zone,  
Nos. 4-30 Lei Muk Road, Kwai Chung, New Territories  
(MPC Paper No. A/KC/428)

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36. The Secretary reported that LLA Consultancy Limited (LLA) was one of the consultants of the applicant. Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had declared interests in the item as they had current business dealings with LLA. Members noted that they had no involvement in the application and agreed that they should be allowed to stay in the meeting.

#### Presentation and Question Sessions

37. 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 hotel;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 13 public comments were received. Twelve comments supported the application. The remaining comment objecting to the application was mainly on grounds that the proposed hotel development was not compatible with the surrounding industrial developments, and would cause safety, health and environmental concerns; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed hotel was in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone. It was also generally in line with the Town Planning Board Guidelines No. 22D on ‘Development within “Other Specified Uses (Business)” Zone’ (TPB PG-No. 22D) in that the proposed hotel was not incompatible with the existing surrounding developments and would help improve the existing

urban environment through the redevelopment of an existing industrial building. It could also serve as a catalyst in phasing out the current industrial uses within the “OU(Business)” zone. The proposed plot ratio (PR) of 6.516 was within the maximum PR of 9.5 according to the Notes of the “OU(Business)” zone and it would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. Regarding the objecting public comment, the Director of Environmental Protection and the Commissioner for Transport had no objection to the application.

38. In response to the Vice-chairman’s question, Ms Fannie F.L. Hung, STP/TWK, said that the existing factory building had fully utilised the PR of the site. The Chairman remarked that any redevelopment at the site should not exceed the existing building bulk. A Member asked whether the proposed PR of the hotel development would be up to the Building Authority to approve. In response, the Chairman said that in the context of planning application, the Committee would consider scheme-based development based on the development parameters proposed by the applicant.

39. A Member asked whether the owners of the site supported the application. Ms Fannie F.L. Hung, STP/TWK, said that the existing factory building was under multiple ownership. Amongst the 13 public comments received, 12, who were some of the owners, supported the application.

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

#### Deliberation Session

40. A Member noted that Kwai Chung Town Lot (KCTL) 302 comprised two portions, namely KCTL 302RP (the subject site) (hereafter referred as Site A) and KCTL 302 s.A (hereafter referred as Site B). According to the Buildings Ordinance (BO), a maximum PR15 was applicable to both Sites A and B. Based on the entire site of KCTL 302, the PRs of existing developments at Sites A and B were 2.9 and 12.1 respectively. As the PR of Site A had been transferred to Site B, based on the current practice of the Buildings Department (BD), BD would treat the two sites as one in considering the calculation of PR on the



building plans. The Member noted that the proposed development at PR 6.516 at Site A would not exceed the restrictions stipulated on the Outline Zoning Plan (OZP), but was concerned whether the development intensity for the proposed hotel and the existing industrial building would exceed the PR restrictions under the BO if the two sites were treated as one.

41. The Secretary drew Members' attention to page 5 of the Paper which indicated the calculation of PRs of the existing developments at Sites A and B. He pointed out that the existing developments at Sites A and B with a PR of 15 calculated on the basis of a combined site would not exceed the restriction under the BO. He further pointed out that the "OU(B)" zone covering the site was subject to a maximum PR of 9.5, or that of the existing building. On the basis of OZP restrictions, the Chairman said that as the gross floor area (GFA) of the proposed hotel at Site A was 34,174m<sup>2</sup>, which was slightly less than that of the existing building (i.e. 34,205m<sup>2</sup>), the PR of the proposed hotel at Site A and the existing industrial building at Site B calculated on the basis of a combined site would not exceed that of the existing buildings and hence would not contravene the OZP restrictions.

42. After further 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 13.3.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of vehicular access, car park and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire services installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development and the proposed gross floor area (GFA) exemption for back-of-house facilities will be granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if GFA concession, in particular the non-domestic PR of the development, is not granted by the BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department that the application should apply for a lease modification to effect the proposed hotel development;
- (c) to consult the Chief Officer (Licensing Authority), Home Affairs Department on the licensing requirements for the proposed hotel;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that an Authorised Person should be appointed to submit building plans for approval of the proposed building works to demonstrate full compliance with the Buildings Ordinance. The applicant should pay attention to the provision of prescribed windows under Building (Planning) Regulations (B(P)R) 30 and 31, the provision of service lane under B(P)R 28 and the requirements for granting hotel concessions under B(P)R 23A and Practice Notes for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-40; and
- (e) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The arrangement on Emergency Vehicular Access shall comply with Part VI of the Code of Practice for Fire Safety in Building, which is administrated by the Buildings Department.”

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

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/122                      Proposed Shop and Services/Eating Place/Place of Entertainment  
in "Open Space (1)" zone, within the proposed Park at the western part  
of West Kowloon Cultural District  
(MPC Paper No. A/K20/122)

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44.            The Secretary reported that the application was submitted by the West Kowloon Cultural District Authority (WKCD) with Dennis Lau & Ng Chun Man Architects & Engineers (HK) Limited (DLNCEM) and Hyder Consulting Limited (Hyder) as two of the consultants of the applicant. The following Members had declared interests in the item:

Professor P.P. Ho            - being the Director of the School of Architecture of the Chinese University of Hong Kong which received donations from DLNCEM

Mr Dominic K.K. Lam        - having current business dealings with Hyder

Mr Patrick H.T. Lau         - having current business dealings with WKCD and DLNCEM

Mr Frankie W.C. Yeung     - being the advisor of the Xiqu Centre of the West Kowloon Cultural District

45.            The Committee noted that Professor P.P. Ho had left the meeting. Members

noted that Mr Dominic K.K. Lam and Mr Frankie W.C. Yeung had no involvement in the application and agreed that they should be allowed to stay in the meeting. As the interest of Mr Patrick H.T. Lau was direct, he should be invited to leave the meeting temporarily on this item.

[Mr Patrick H.T. Lau left the meeting temporarily at this point.]

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services/eating place/place of entertainment;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of four public comments were received. Two comments supported the application while the other two, including one from the Sorrento Owners' Committee and a private individual, suggested that the proposed retail, dining and entertainment facilities should emphasise the harmonisation with the green environment and minimise noise nuisance to the nearby residents, and such facilities should be located indoor and with proper design as far as possible. The suggestions made by the private individual were related to detailed design and overall management of the proposed park; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The application was in line with the planning intention of the "Open Space (1)" zone in that the proposed retail, dining and entertainment facilities

would enhance the attractiveness and vibrancy of the Park. The proposed development was also in line with the urban design and landscape framework as set out in the Explanatory Statement of the approved Development Plan. The proposed retail, dining and entertaining buildings were of small scale and were not expected to have significant adverse impact on the overall design of the Park. An approval condition was suggested to ensure that the landscape treatment of the proposed retail, dining and entertainment facilities would integrate with the open space design of the Park.

47. In response to the Chairman's questions, Ms Michelle M.S. Yuen, STP/TWK, said that the gross floor area (GFA) of the proposed retail, dining and entertainment facilities had already been included in the minor relaxation of GFA sought under the previous application (No. A/K20/121) which was approved by the Committee on 14.11.2014, and the applicant had not indicated the detailed breakdown of GFAs for the respective retails, dining and entertainment facilities in the submitted proposal.

#### Deliberation Session

48. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.3.2019, 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 Master Plan to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Kowloon West, Lands

Department (LandsD) that the applicant has to submit application to LandsD for the revision of tenancy condition(s) and tenancy plan of Short Term Tenancy (STT) KX 2844 covering the site to permit the erection of the retail, dining and entertainment facilities and, if necessary, the relocation of the existing car park. The applicant should also be reminded that in connection with the development of the proposed Park (including the erection of the retail, dining and entertainment facilities within the proposed Park), if the existing right of ways within the tenancy area of STT KX 2844 are affected by the proposed Park, the applicant is required to apply to her office for the revision of the tenancy conditions and/or plan in respect of the right of way provisions under the said STT. Formal land grant application by private treaty, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion and subject to the higher authority's approval. In the event any such application is approved, it would be subject to such terms and conditions as may be imposed by LandsD;

- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department that detailed comments will be given at formal building plan submission stage;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the layout and disposition of the proposed retail, dining and entertainment development should not impose constraints to the Park design, and the design of the proposed Double Edge has to blend in with the Park environment;
- (d) to note the comments of the Chief Architect, Central Management Division 2, Architectural Services Department that crossing of pedestrian and vehicular paths as far as possible should be avoided, and the refuse collection strategy at an early stage, and provision of green roofs for retail, dining and entertainment developments 1-1, 1-2 and 1-3, and more street furniture for public use should be considered;

- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans, and the arrangement of Emergency Vehicular Access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department; and
- (f) to note the comments of the Director of Electrical and Mechanical Services to approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site.”

[Mr Patrick H.T. Lau returned to join the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/565                      Proposed Hotel in “Other Specified Uses” annotated “Business” zone,  
Nos.103-105 Tung Chau Street, Mong Kok, Kowloon  
(MPC Paper No. A/K3/565)

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

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

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no

objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received. One objected to the original proposal for minor relaxation of building height restriction. Another objected to the application on grounds of possible traffic and environmental impact which might affect the quality of life of the residents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The proposed development was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone. The proposed hotel with a plot ratio (PR) of 12 and building height (BH) of 80mPD were in compliance with the PR and BH restrictions for the site. It was not incompatible with the surrounding land uses. The proposed development was also generally in line with the Town Planning Board Guidelines No. 22D on ‘Development within “Other Specified Uses (Business)” Zone’ (TPB PG-No. 22D) in that it was compatible with the surrounding industrial and industrial/office developments. There were existing hotel developments in the vicinity. The proposed hotel would help improve the existing urban environment and serve as a catalyst in phasing out the current industrial uses within the “OU(Business)” zone. Concerned Government departments had no objection to or no adverse comment on the application from traffic, environmental and drainage perspectives.

51. Members had no question on the application.

#### Deliberation Session

52. 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 13.3.2019, 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 TPB; 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 TPB.”

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

- “(a) the approval of the application does not imply that any proposal on gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the GFA concession is not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (b) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio (PR) and/or GFA concession for the proposed development will be approved/granted by the BA. The applicant should approach BD direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (c) to note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that the proposed hotel use with restaurant/café is in breach of the user restriction and the offensive trade clause. It is not acceptable under the lease governing the subject lot. The lot owner has to apply to LandsD for a lease modification/land exchange. However, there is no guarantee that the lease modification/land exchange application will be approved. Such application, if received by LandsD, will be considered

by LandsD acting in the capacity as landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD;

(d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that :

- (i) if the proposed PR is based on the assumption that GFA concessions will be granted (i.e. excluding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA calculations), the pre-requisites in the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151 on 'Building Design to Foster a Quality and Sustainable Built Environment' (PNAP APP-151) (e.g. BEAM Plus Certification) and the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 on 'Sustainable Building Design Guidelines' (PNAP APP-152) should be complied with;
- (ii) the application for hotel concession under the Building (Planning) Regulations (B(P)R) 23A will be considered upon formal submission of building plans subject to the proposal being in compliance with the criteria under the Practice Note for Authorised Persons and Registered Structural Engineers APP-40 on 'Hotel Development' (PNAP APP-40) and favourable comments from the relevant departments;
- (iii) the applicant is required to appoint an Authorised Person and Registered Structural Engineer to submit plans to demonstrate compliance with the Buildings Ordinance (BO) and its allied regulations, including (but not limited to):
  - the building shall be provided with a service lane at the rear or side of the building in accordance with B(P)R 28. Such

lane should not be included in site area for the purpose of PR and site coverage calculations under B(P)R23(2)(a);

- under B(P)R25, every domestic building shall have within the site an open space at the rear, or partly at the rear and partly at the side. No part of any domestic building shall be erected within 1.5m of the rear boundary of the site in accordance with B(P)R25(2);
  - adequate means of escape and means of access for firefighting and rescue should be provided in accordance with B(P)Rs 41(1), 41A, 41B, 41D and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
  - the provision of adequate fire resisting construction (including the fire separation between buildings) in accordance with Building (Construction) Regulation 90 and FS Code;
  - the provision of access and facilities for persons with a disability (Including the provision of accessible guestrooms) in compliance with B(P)R72; and
- (iv) detailed comments under BO will be provided at the building plan submission stage;
- (e) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. The applicant should observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD;
- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department to explore the opportunities for amenity planting and green roof on the flat roof of 3/F and roof floor, and explore

the feasibility of vertical green on the façade to enhance the streetscape of the vicinity; and

- (g) to note the comments of the Chief Officer/Licensing Authority, Home Affairs Department that:
- (i) the applicant should submit a copy of the occupation permit for the proposed hotel when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
  - (ii) the proposed licensed area should be physically connected;
  - (iii) the applicant should observe the Code of Practice for Minimum Fire Services Installation and Equipment for the fire services provisions; and
  - (iv) the licensing requirements will be formulated after inspections by their Building Safety Unit and Fire Safety Team upon receipt of an application under HAGAO.”

[The Chairman thanked Ms Michelle M.S. Yuen, STP/TWK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K4/64                      Social Welfare Facility (Residential Care Home for the Elderly) in  
“Residential (Group C) 6” zone, Flat A, G/F, 30 Tat Chee Avenue, Yau  
Yat Tsuen, Kowloon  
(MPC Paper No. A/K4/64)

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54. Mr H.W. Cheung and Dr Lawrence W.C. Poon had declared interests in the item as Mr Cheung owned a property in the vicinity of the site, and Dr Poon worked in the City University of Hong Kong and lived in its quarters, which were also in the vicinity. The Committee considered that their interests were indirect as Mr Cheung's property, and the office and quarters of Dr Poon did not have a direct view of the site and agreed that they could stay in the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the social welfare facility (Residential Care Home for the Elderly) (RCHE);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The RCHE under application, which was residential in nature, was considered generally in line with the planning intention of the “Residential (Group 6)” zone. The RCHE was considered not incompatible with the surrounding land uses, which were predominantly residential in nature. The RCHE was not anticipated to cause adverse traffic, environmental, drainage and sewage impacts to the surroundings.

56. The Vice-chairman noted that the Social Welfare Department had issued a licence for operation of the RCHE notwithstanding BD advised that the RCHE did not comply with the Building (Planning) Regulations. Mr Philip Y.L. Chum, STP/TWK, responded that in November 2000, the Buildings Department (BD) received an enquiry from the applicant for using the premises as a RCHE. BD consulted various government departments, including the Planning Department (PlanD) on the proposed RCHE. PlanD replied that a planning permission was required for operation of RCHE at the subject premises. Departmental comments on the proposal were conveyed by BD to the applicant in December 2000. When the Social Welfare Department (SWD) issued the licence to the applicant in August 2001, the applicant was also reminded to follow up on the departments' requirements, including the requirement for obtaining a planning permission, as advised by PlanD. However, neither planning application nor building plans had been submitted by the applicant then. In response to the recent reminder from SWD to meet departments' requirements, the applicant submitted the subject application.

57. The Chairman said that the subject RCHE might have been operating for a long time and the current planning application might be for regularisation of the use.

#### Deliberation Session

58. 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 provision of fire service installations within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015; 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.”

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

- “(a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department to apply for a temporary waiver or a lease modification; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department on the issues to be addressed when making application for approval of plans for the carrying out of building works under the Buildings Ordinance (BO), application of material change in use under section 25 of the BO, and/or applying for a licence under the Residential Care Homes (Elderly Persons) Ordinance, including the provision of open space, prescribed windows and barrier free access for persons with a disability to comply with the Building (Planning) Regulations, and adequacy of the fire resisting construction of the walls separating the Residential Care Home for the Elderly from the remainder of the building on the ground floor in accordance with Building (Construction) Regulations 90.”

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

[Mr Derek P.K. Tse, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

## **Hong Kong District**

### **Agenda Item 9**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/76-1 Proposed Class B Amendments to the approved Application for Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.548 for a Proposed Heritage Conservation-cum-house Development  
(MPC Paper No. A/H14/76-1)

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60. The Secretary reported that WSP Hong Kong Limited (WSP) was one of the consultants of the applicant. Mr Dominic K.K. Lam had declared an interest in the item as he had current business dealings with WSP. As Mr Lam had no involvement in the subject application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

61. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Class B amendments to the approved application for minor relaxation of plot ratio (PR) restriction from 0.5 to 0.548 for a proposed heritage conservation-cum-house development;
- (c) departmental comments – departmental comments were set out in paragraph 7 of the Paper. The Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department (CBS/HKE&H, BD) noted that the proposed site coverage (SC) had exceeded the permitted SC accepted by the Building Authority (BA) on 21.1.2014. The Authorised Person was required to clarify the domestic and non-domestic SC and plot ratio (PR) of the proposed development in accordance with Building (Planning) Regulations (B(P)R) 20 & 21 at formal building plans submission stage. BD reserved comments on the additional SC and PR in the proposed scheme. Other government departments had no objection to or no adverse comment on the application;
- (d) the District Officer (Central & Western), Home Affairs Department advised that two objections against the application were received. One was from a



District Council member expressing concern about the loss of existing trees and potential impact on the surrounding natural landscape while another was concerned about the implications on the local traffic arising from the proposed development; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 8 of the Paper. The proposed Class B amendments involved increase in SC; change in location of an ingress/egress point; and change in soft/hard landscape design with one affected tree to be transplanted within the site as compared with the previously approved application No. A/H14/76. There had been no change in the planning circumstances pertaining to the site since the granting of the original approval. The proposed changes would not change the nature of the approved development. The additional recreational/E&M facility block and other minor changes in the architectural layout would result in increase of SC by 6.93%. The applicant claimed that the gross floor area (GFA) for the additional block would be exempted under the B(P)R. Subject to the approval of the relevant building plans by BD, the overall PR of the development would remain the same as the approved scheme, i.e. 0.548. The proposed amendments would not affect the two facades to be preserved. Despite the increase in SC, the proposal would be in keeping with the surroundings, in terms of scale and height. The additional affected tree would be transplanted within the site. On public concerns on tree loss and potential impact on the landscape and local traffic conditions, concerned departments had no objection to or no adverse comments on the application.

62. In response to a Member's questions, Mr Derek P.K. Tse, STP/HK, said that the GFA of the proposed recreational/E&M facility block, covering about 57m<sup>2</sup> or less than 5% of the domestic GFA, could be accepted by BA for exemption of GFA calculation. The Chairman supplemented that the proposed increase in building bulk, if exempted under the B(P)R, would not be accountable for GFA calculation. The increase in SC by 6.93%, as a result of the proposed recreational facilities, was however an amendment to the previously approved scheme. This would require the Committee's approval.

63. In response to the Vice-chairman's question, Mr Tse said that there would be two detached houses on the site which was not accessible by public transport.

64. A Member enquired on the preservation of existing trees on the site under the amended scheme. In response, Mr Tse said that 12 existing trees would be retained in situ. One tree (*Phoenix roebelenii*) would be affected by the proposed recreational / E&M block and this tree would be transplanted within the site. The roof top of the new building would be landscaped to achieve the same greening ratio as in the approved scheme.

65. In response to a Member's question regarding the request of the Antiquities and Monuments Office (AMO) for deleting the requirement for the documentation of the project from the proposed approval condition, Mr Tse said that the documentation submitted by the applicant had been approved by AMO, and hence there was no need for such inclusion in the approval conditions.

#### Deliberation Session

66. The Vice-chairman expressed concern on the need to provide communal recreational facilities for just two houses as such facilities could be incorporated within each individual house. The Chairman shared the Vice-chairman's views and said that if there was no need for a separate block to accommodate the communal recreational facilities, the increase in site coverage would be less even if the required sprinkler facilities for House A might still need to be provided separately from the house due to the constraint of preserving the facades of the existing building.

[Mr Stephen H.B. Yau and Mr Frankie W.C. Yeung left the meeting at this point.]

67. A Member noted that the previous approved application (No. A/H14/76) was for minor relaxation of PR restriction to accommodate the additional floor area for preserving two facades of the existing historic building. With the current application mainly for the provision of a recreational/E&M facility block and involving increase in floor area, the Member was concerned that the application might represent a further relaxation of the PR restriction. The Chairman responded that if the recreational and E&M facilities were

considered as ancillary facilities, the corresponding increase in floor area could be exempted by the BA and hence might not result in an increase in the total accountable GFA and hence the PR as compared with the approved scheme. A Member said that the GFA exemption for the recreational and E&M facilities had yet to be approved by the BA during the building plans submission stage.

68. A Member noted that there were local objections against the subject application on grounds of loss of the existing trees and potential impacts on the surrounding natural landscape. However, the applicant had not demonstrated that the proposed scheme would not affect the existing green environment.

69. Members generally did not support the application as the applicant had not provided strong justifications for the provision of communal recreational facilities for only two houses.

70. After further deliberation, the Committee decided to reject the application. The reason was :

“the applicant has not provided strong justifications for the provision of communal recreational facilities for two houses, which would affect the existing green environment.”

[The Chairman thanked Mr Derek P.K. Tse, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Dr Lawrence W.C. Poon left the meeting temporarily at this point.]

## **Agenda Item 10**

### **Section 16 Application**

[Open Meeting]

A/H14/80 Proposed upgrading of existing access road (including widening and associated geotechnical works) for residential development in “Green Belt” zone, Government land adjoining 46 Stubbs Road, Hong Kong  
(MPC Paper No. A/H14/80A)

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71. The Secretary reported that Rider Levett Bucknall Development Consultants Limited (Rider) and MVA Systra Group (MVA) were the consultants of the applicant. The following Members had declared interests in the item:

Mr Dominic K.K. Lam - having current business dealings with Rider and MVA

Mr Patrick H.T. Lau - having current business dealings with MVA

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

72. The applicant had requested for a deferment of consideration of the application. As Mr Lam, Mr Lau and Ms Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

73. The Secretary reported that on 6.3.2015, the applicant requested for deferment of the consideration of the application for two months in order to allow more time for preparation of further information on the use of Government land within the “Green Belt” (“GB”) zone. This was the applicant’s second request for deferment.

74. 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 a maximum of two months was allowed for preparation of the submission of the further information. Since it was the second deferment of the applicant, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for

preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Dr Lawrence W.C. Poon returned to join the meeting at this point.]

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

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/74                      Renewal of Planning Permission for Temporary “House (Conversion of Existing Building)” for a Period of 3 Years in “Government, Institution or Community (1)” zone, Former Government Staff Quarters of Water Supplies Department, Tai Tam Tuk Raw Water Pumping Station, Tai Tam, Hong Kong  
(MPC Paper No. A/H18/74)

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75.            The Secretary informed Members that the application was submitted by the Government Property Agency (GPA) for renewal of the planning permission for temporary ‘House (Conversion of Existing Building)’ use for a further period of 3 years until 11.5.2018. On 12.3.2015, the Tai Tam Tuk Foundation (TTTF) wrote to the Director of Planning (D of Plan), in his capacity as the Chairman of MPC, requesting for deferment of consideration of the application so as to allow a review of short-term lease of the site for community use. A comment submitted by the TTTF objecting to the application was included in the Paper.

[Mr Patrick H.T. Lau left the meeting at this point.]

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

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

- (a) background to the application;
- (b) the renewal of planning permission for temporary 'House (Conversion of Existing Building)' use for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned bureau/departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 16 public comments, including 2 supporting and 14 objecting comments, were received. The main reasons for objecting the application were the proposed development was not in line with the existing land use zoning and planning intention of the site. The site zoned "Government, Institution or Community" ("G/IC") should be retained for community and wider public use; there was a material change in planning circumstances since the previous temporary planning approval was granted owing to the fact that there was no plan for including the premises into any revitalisation scheme at the moment, and there was a need for a school (kindergarten) serving the local community as well as the wider public in Hong Kong; the site should be made available for adaptive re-use for public benefit including sports, recreation, culture, marine supporting, and food and beverages uses; and the TTTF proposed to use the site for kindergarten use. The main reasons for supporting the application were the proposed development could make good use of unused government property and respond to the shortage of property supply in Hong Kong; extending the term of residential use was the best option to ensure that the property would be well maintained; and the proposed use was in line with the original use of the subject heritage buildings;
- (e) the District Officer (Southern), Home Affairs Department commented that if the concerned declared monument was ready for turning into private residential use, assessment of environmental impacts and the effect on the premises itself would be required. Though no organization or building fell

within 100 feet, the possible pollution might still affect the residents, schools and non-government organisation in the vicinity; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The renewal application generally complied with the relevant assessment criteria in the Town Planning Board Guidelines No. 34B on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) mainly in that the temporary ‘House’ use under application was considered not incompatible with the surrounding land uses; there had generally been no change in the planning circumstances and the land uses of the surrounding areas since the granting of the last temporary approval on 16.3.2012; the approval condition of the previous planning permission on provision of fire service installations had been incorporated in the existing tenancy agreement; and approval of the renewal application on a temporary basis for a further 3 years would not frustrate heritage conservation and revitalisation of the monument in future. Regarding the public suggestion on adaptive re-use of the site for community and kindergarten uses, these uses were always permitted within the “G/IC(1)” zone

77. In response to a Member's question, Miss Isabel Y. Yiu, STP/HK, said that the site used to be the Water Supplies Department staff quarters before 2002 and GPA rented it out for private residential use since 2004.

78. A Member asked if there was any need for kindergarten in the district. Miss Isabel Y. Yiu, STP/HK, said that the Education Bureau had not provided any figures on demand for kindergarten in the district. However, according to the Hong Kong Planning Standards and Guidelines, there was no shortage of kindergarten in the Tai Tam and Stanley areas.

#### Deliberation Session

79. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 11.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to obtain a permit under section 6 of the Antiquities and Monuments Ordinance from the Antiquities Authority through the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department prior to commencement of any works to the monument;
- (b) the premises shall be made available to the staff of AMO to gain access for the purpose of any site inspection, improvement or development in connection with the monument;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 9.1.4 of the MPC Paper regarding the implementation of the security and safety measures within the boundary of Tai Tam Tuk Raw Water Pumping Station; and
- (d) to note the comments of the District Officer (Southern), Home Affairs Department in paragraph 9.1.7 of the MPC Paper regarding the requirement for the assessment of environmental impacts if the concerned declared monument is ready for turning into private residential use.”

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]



A/H19/69                      Proposed Hotel in "Residential (Group A) 1" zone, 86 & 88 Stanley Main Street, Stanley, Hong Kong  
(MPC Paper No. A/H19/69)

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81.                      The Secretary reported that Lanbase Surveyors Limited (Lanbase) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared an interest in the item as he had current business dealings with Lanbase. The Committee noted that Mr Lau had already left the meeting.

#### Presentation and Question Sessions

82.                      With the aid of a PowerPoint presentation, Miss Isabel Y. Yiu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 31 public comments were received, including 30 objecting to and 1 offering comment on the application. The main grounds of objection were that the proposed development was incompatible with the land use zoning and the surrounding area, which was primarily for residential use; approval of the application would lead to a shortfall of land for residential uses; redeveloping the existing 3-storey building into a 10-storey hotel will result in adverse visual and air ventilation impacts; the traffic generated by the proposed development would trigger traffic congestion and affect the local living environment; approval of the application would set a precedent for other similar developments in the area; there was no need to develop a hotel at the site as a number of hotels had been/would be built in the Southern District; and the existing building was unique and of historical value and

should be preserved. The comment was that the façade of the existing building at the site should be retained;

- (e) the District Officer (Southern), Home Affairs Department, advised that a member of the Southern District East Area Committee supported the application;
  
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The site was zoned “Residential (Group A)1” (“R(A)1”) which was intended primarily for sub-urban medium-density residential developments where commercial uses are always permitted on the lowest three floors of a building. The application might warrant special consideration as the site was covered by two previous planning permissions for hotel use and the applicant was actively pursuing one of the hotel developments (i.e. Application No. A/H19/62) at 88 Stanley Main Street covering part of the application site. The proposed hotel was considered not incompatible with the surrounding developments located in a popular tourist area with retail shops, restaurants and the Stanley Oriental Hotel was located west of the site. The building height of 10 storeys for the proposed hotel complied with the building height restriction of the “R(A)1” zone under the Outline Zoning Plan. The proposed hotel would have the same number of guest rooms as to the total in the two previously approved schemes. As the existing building was a Grade 3 historic building, should the application be approved, an approval condition was suggested to require the applicant to notify the Antiquities and Monuments Office (AMO) prior to the commencement of any works and to allow AMO to inspect both the internal and external of the building for conducting photographic and/or cartographic survey recording in case preservation in-situ is impracticable. Regarding the public comments on the possible adverse traffic, visual and air ventilation impacts, concerned Government departments had no objection to or no adverse comment on the application.

83. In response to the Chairman's questions, Miss Isabel Y. Yiu, STP/HK, said that

application No. A/H19/47 at No. 86 Stanley Main Street was for a hotel development with 7 guest rooms. It was approved with conditions by the Committee on 3.3.2006. Although the applicant had obtained permission for extension of time for commencement of the development in 2010, the hotel development had not commenced before expiry of the planning permission in February 2014. Application No. A/H19/62 for 6 guest rooms at No. 88 Stanley Main Street (which formed part of the subject application site) was approved with conditions by the Committee on 19.3.2010. In March 2013, the building plans for the hotel development were approved by the Building Authority and the application for land exchange was in progress.

84. The Chairman enquired why only part of No. 88 Stanley Main Street was included in the subject application site. Miss Isabel Y. Yiu, STP/HK, responded that it was the applicant's intention not to include the entire No. 88 Stanley Main Street in the subject application. In response to the Chairman's question on the Stanley Oriental Hotel, Miss Yiu said that it was the subject of an application for hotel use which was first approved in January 2004 and a subsequent application for amendment to the approved scheme was approved in June 2004. The hotel had already been completed and was now in operation.

85. A Member was concerned that the remaining part of No. 88 Stanley Main Street not included in the application site would not be suitable for development if the application was approved, and enquired if the applicant was the owner of No. 88 Stanley Main Street. Miss Isabel Y. Yiu, STP/HK, said that the applicant was not the current owner of the application site but the registered land owners had been notified of the application.

#### Deliberation Session

86. The Vice-chairman expressed concern on the non-inclusion of a portion of No. 88 Stanley Main Street in the application site, which would render the site difficult for any future development.

87. The Chairman said that the site was zoned "Residential (Group A)1" ("R(A)1") on the Outline Zoning Plan (OZP). Irrespective of how sites within the "R(A)1" zone would be carved out, residential development within the zone would be permitted as of right.

88. A Member said that the site was at a unique corner location at Stanley Main Street, the views to the site should be preserved and there was concern that the proposed 10-storey hotel might have adverse impacts on the area. Another Member opined that by preserving the existing building, the visual quality of the area could be maintained. However, having noted that the OZP would allow a development of up to 10 storeys and two previous applications for the same hotel use had been approved, there was no objection to the application.

89. The Chairman summarised that the building bulk of the 10-storey hotel development was in line with the development restriction under the “R(A)1” zone. In view that the site was the subject of two previous approvals for hotel development, the approval of the subject application was consistent with the Committee’s previous decision. Members agreed that the application could be approved.

90. After further 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 13.3.2019, 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 number of guestrooms in the proposed hotel development should not exceed 13;
  
- (b) in case preservation in-situ is impracticable, the applicant is required to notify the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department prior to the commencement of any works and to allow AMO to inspect both the internal and external of the building for conducting photographic and/or cartographic survey recording;
  
- (c) the provision of a corner spray at the southeast corner of the application site to the satisfaction of the Commissioner for Transport of the TPB;
  
- (d) the submission of the Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;

- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (d) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concessions for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concessions are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) to note the comments of the Commissioner for Transport regarding the traffic issues of the proposed hotel;
- (c) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department regarding the submission of drainage connection plans together with the supporting hydraulic calculations to the BA for approval;
- (d) to note the comments of the Director of Environmental Protection on the location for fresh-air intake for the central air conditioning system and the early submission of the SIA;

- (e) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with “Code of Practice for Fire Safety in Buildings 2011”;
- (f) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department regarding the building elevations as well as the design of the podium and water tanks;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to provide landscape planting at the roof level to improve the landscape and visual amenity of the development;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) to submit proposal for WSD’s consideration and approval if diversion of water mains within the application site is considered feasible;
- (i) to note the comments of the Director of Electrical and Mechanical Services to liaise with the electricity supplier and to observe the Code of Practice on Working near Electricity Supply Lines; and
- (j) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements for proposed hotel use.”

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

**Agenda Item 13**

**Section 16 Application**

[Open Meeting]

A/H6/76 Proposed Minor Relaxation of Setback Requirement for Permitted Commercial Development in “Commercial (1)” zone, 7 Cannon Street, Causeway Bay, Hong Kong  
(MPC Paper No. A/H6/76)

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

Professor P.P. Ho - having current business dealings with CKM

Mr Patrick H.T. Lau - having current business dealings with Lanbase

93. The Committee noted that Prof P.P. Ho and Mr Patrick H.T. Lau had already left the meeting.

94. The Secretary reported that the applicant requested on 24.2.2015 for deferment of the consideration of the application for two months in order to allow more time to address the comments of relevant Government departments. This was the first time that the applicant requested for deferment of the application.

95. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 14**

Section 16 Application

[Open Meeting]

A/H6/77 Proposed Utility Installation for Private Project (Tram Power Substation) in an area shown as 'Road', at the Island Planter surrounded by Irving Street and Yee Wo Street, adjacent to the Existing Causeway Bay Tram Terminus  
(MPC Paper No. A/H6/77)

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96. The Secretary reported that the applicant requested on 27.2.2015 for deferment of the consideration of the application for two months in order to address the comments of relevant Government departments. This was the first time that the applicant requested for deferment of the application.

97. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 15**

Section 16 Application

[Open Meeting]

A/H7/169 Proposed Utility Installation for Private Project (Substation, Pillar Box and Underground Cable Ducts) in an area shown as 'Road', Government Land Underneath the Canal Road Flyover No. H110 between Piers No. 25 and No. 26 at Morrison Hill Road, Wong Nai Chung  
(MPC Paper No. A/H7/169)

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98. The Secretary reported that the applicant requested on 27.2.2015 for deferment of the consideration of the application for two months in order to allow time to address the comments of relevant Government departments. This was the first time that the applicant requested for deferment of the application.

99. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

### **Kowloon District**

#### **Agenda Item 16**

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

[Open Meeting]

A/K14/716            Shop and Services (Convenience Store) in "Other Specified Uses" annotated "Business" zone, Workshop A on Ground Floor, Hing Win Factory Building, No. 110 How Ming Street, Kwun Tong, Kowloon  
(MPC Paper No. A/K14/716)

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

100. 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 shop and services (convenience store);
- (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 from the Chairman of Kwun Tong Central Area Committee supporting the application was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The applied use at the premises was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone; the applied use was compatible with the changing land use character of the area and complied with the Town Planning Board Guidelines No. 22D on ‘Development within “Other Specified Uses (Business)” Zone’ (TPB PG-No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas; and the total approved commercial floor area on the G/F of the subject building would be 156m<sup>2</sup> which was within the maximum permissible limit set out in TPB PG-No. 22D. Since the revocation of the previous application (No. A/K14/699) due to non-compliance with the approval condition on provision of fire safety measures, the applicant had demonstrated his efforts to prepare the materials to address the comments of the Director of Fire Services and was confident that the condition could be complied with. In this regard, a shorter compliance period (three months) for submission of the proposal for fire safety measures is proposed to monitor the progress of compliance should the Committee decide to approve the application, and

the applicant would be advised that should he 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.

101. Members had no question on the application.

#### Deliberation Session

102. 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 at the application premises within three months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2015;
- (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 at the application premises within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015; 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.”

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

- “(a) prior planning permission should have been obtained before commencing

the applied use at the application premises (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 TPB to any further application;
- (c) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the proposed 'Shop and Services (Convenience Store)' 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 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
- (e) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that all building works/change in use are subject to compliance with the Building Ordinance (BO). The applicant should appoint an Authorised Person to submit building plans for the proposed change in use and/or alterations and additions works to demonstrate compliance with the BO, in particular, the provision of adequate means of escape; the separation of the Premises from the remaining portion of the building by fire barriers of adequate fire resistance rating; the provision of access and facilities for persons with a disability and adequate sanitary fitments; structural justification to be provided if solid partition walls are to be erected; and that the proposed rear exit of the shop exit to carpark and installed with roller shutter with fusible link cannot be used as means of escape. As the shop is provided with one exit route only, the applicant shall arrange the layout of the shop to limit the occupant capacity to not exceeding 30 persons. For unauthorised building works (UBW) erected on leased land/private buildings, enforcement action may be taken by the

Building Authority (BA) to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the Premises under the BO. Attention should be drawn to Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA has no powers to give retrospective approval or consent to UBW. Detailed comments under the BO can only be formulated at the building plan submission stage.”

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/717            Shop and Services (Fast Food Shop) in “Other Specified Uses” annotated “Business” zone, Unit F on Ground Floor, Ocean Industrial Building, No. 29 Tai Yip Street, Kwun Tong, Kowloon  
(MPC Paper No. A/K14/717)

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

104.            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 shop and services (fast food shop);
- (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 were received. The Chairman of the Kwun Tong Central

Area Committee supported the application while the other comment expressed concern that the proposed use seemed incompatible with the industrial uses of the building and that justifications on fire safety and land use should be provided; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The applied use at the Premises was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone for general business uses and was compatible with the changing land use character of the area; the applied use at the Premises complied with the Town Planning Board Guidelines No. 22D on ‘Development within “Other Specified Uses (Business)” Zone’ (TPB PG-No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. The previous application (No. A/K14/663) was revoked due to non-compliance with the approval condition on fire safety requirements. As the fire service installations at the Premises were in place, it was envisaged that the condition could be complied with; a shorter compliance period (three months) for submission of the proposal for fire safety measures was proposed to monitor the progress of compliance should the Committee decide to approve the application. The applicant would be advised that should he 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. Regarding the comment raising concern on incompatibility of land uses and fire safety matters, the Director of Fire Services had no objection to the application and an approval condition on fire safety aspect was proposed to address the possible fire safety concern.

105. Members had no question on the application.

Deliberation Session

106. 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 fire service installations at the application premises within three months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2015.
- (b) the implementation of the proposal for fire safety measures, including the provision of fire service installations at the application premises within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015; 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises (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 TPB to any further application;
- (c) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or temporary waiver for the proposed ‘Shop and Services (Fast Food Shop)’ use at the Premises;
- (d) to note the comments of the Director of Fire Services that the ‘Shop and

Services (Fast Food Shop)' use under application shall only be licensed as "food factory" or "factory canteen", and the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises should be observed; and

- (e) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that the applicant should appoint an Authorised Person to ensure any building works/alterations and additions works/change in use are in compliance with the Buildings Ordinance (BO), including (but not limited to) adequate means of escape and 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; to observe the licensing requirements imposed by the relevant licensing authority; for unauthorized building works (UBW) erected on private lands/buildings, enforcement action may be taken by the Building Authority (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; to note that the BA has no powers to give retrospective approval or consent for any UBW; and detailed comments under the BO can only be formulated at the building plan submission stage."

**Agenda Item 18**

Any Other Business

108. There being no other business, the meeting closed at 1:30 p.m..