

TOWN PLANNING BOARD

Minutes of 531st Meeting of the Metro Planning Committee held at 9:00 a.m. on 27.3.2015

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 Laurence L.J. Li

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

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.F. Tang

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

Mr Clarence W.C. Leung

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Frankie W.C. Yeung

In Attendance

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

Town Planner/Town Planning Board
Miss Anny P.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 530th MPC Meeting held on 13.3.2015

[Open Meeting]

1. The draft minutes of the 530th MPC meeting held on 13.3.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H15/10 Application for Amendment to the Approved Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/29, To rezone the application site from “Industrial” to “Other Specified Uses (3)” annotated “Business” with a Maximum Building Height Restriction of 100mPD, 111 Lee Nam Road, Ap Lei Chau
(MPC Paper No. Y/H15/10A)

3. The Secretary reported that Traces Ltd., Environ Hong Kong Ltd. (Environ) and Ove Arup & Partners Hong Kong Ltd. (Ove Arup) were three of the consultants of the applicant. The following Members had declared interests in this item :

- Ms Julia M.K. Lau - being the Executive Director and shareholder of Traces Ltd. and having current business dealings with Environ
- Mr Dominic K.K. Lam - having current business dealings with Environ and Ove Arup
- Mr Patrick H.T. Lau - having current business dealings with Ove Arup

4. Members considered that the interest of Ms Julia M.K. Lau was direct, and she should leave the meeting temporarily for this item. Members noted that Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application and agreed that they could stay in the meeting. Members also noted that Ms Lau, Mr Lam and Mr Lau had not yet arrived to join the meeting.

5. The Chairman said that as reasonable notice had been given to the applicant to invite him/her to attend the meeting and the applicant had indicated that he/she would not attend the hearing, Members agreed to proceed with the hearing in the absence of the applicant.

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

Presentation and Question Sessions

6. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

- Ms Ginger K.Y. Kiang - District Planning Officer/Hong Kong (DPO/HK)
- Miss Isabel Y. Yiu - Senior Town Planner/Hong Kong (STP/HK)

7. Upon the invitation of the Chairman, Miss Isabel Y. Yiu, STP/HK, with the aid of a Powerpoint presentation, presented the application 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 (3)” annotated “Business” (“OU(B)3”) on the approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/29 to facilitate the development of two 26-storey buildings for commercial uses with a maximum building height of 100mPD and plot ratio of 15. The justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

Departmental Comments

- (b) 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;

Public Comments

- (c) during the first three weeks of the statutory publication period and the publication of the further information, a total of 13 public comments were received. Among them, two supported the application mainly on the grounds that the proposal could provide job opportunities for the local residents, the area would be developed in a more mature and diversified way and it was a more efficient use for the site. The remaining 11 comments expressed reservation on the application in view that Ap Lei Chau was already very densely populated, the traffic, environmental, social and security impacts arising from the development proposal should be assessed holistically;
- (d) the District Officer (Southern) conveyed that no public comment was received. Views had also been sought from the Ap Lei Chau District Councillors. Ms Lam Yuk Chun, Ms Cheung Sik Yung and Mr Lam Kai Fai indicated that they had no comment on the application whereas Ms Chan Judy Kapui, Mr Lo Kin Hei and Mr Au Nok Hin were concerned about the traffic load of the area;

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

The Planning Department (PlanD)'s Views

- (e) PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed rezoning application was in line with the recommendations of the “Report on Area Assessments 2009 of Industrial Land in the Territory” (Area Assessments 2009) that the industrial area to the north of Lee Nam Road on Ap Lei Chau could be rezoned to “OU(B)” and could provide more flexibility in the use of the industrial land to allow for a mix of non-polluting industrial and other commercial uses. The proposed commercial uses and development scale were considered not incompatible with the surrounding developments. The proposed rezoning was also considered acceptable in traffic, environmental and infrastructural terms and relevant government departments had no objection to/no adverse comments on the application. Regarding the public comments, the above assessments were relevant.

8. Noting that the site was located within an area zoned “I” and was still predominantly industrial in character, as shown on Plan Z-6 of the Paper, the Vice-chairman asked what would be the long-term planning intention of the entire area and whether the applicant should pursue the proposed development by way of a section 16 instead of a section 12A application to avoid piecemeal rezoning. In response, Ms Ginger K.Y. Kiang, DPO/HK, said that a planning application (No. A/H15/192) for wholesale conversion of an existing industrial building for commercial uses at Horizon Plaza to the north of the site was approved by the Committee with conditions in 2003. According to the findings of the Area Assessments 2009 completed by PlanD and endorsed by the Town Planning Board (TPB) in 2010, the area was considered suitable to be rezoned for commercial uses. Since then, PlanD and relevant government departments were studying the technical feasibility of the rezoning proposal which had nearly completed. Should the Committee approve the application, PlanD would report back to the Committee on the feasibility of rezoning the entire area in due course. Ms Kiang said that the rezoning application would provide more flexibility in the use of the site.

9. A Member enquired about the planning intention of the cargo handling area to the

southwest of the site and was concerned that it might have interface problem with the proposed commercial uses in future. Ms Kiang said that the concerned area was zoned “Other Specified Uses” annotated “Cargo Handling Area” on the OZP which was intended for cargo handling use. It was noted that the Marine Department was reviewing the cargo handling facilities in Hong Kong and PlanD would continue to keep in view of the matter.

10. In response to the Chairman’s question, Ms Kiang referred Members to an aerial photo shown on the visualiser and explained that the northern part of the cargo handling area was currently vacant while the southern part was in use.

11. As there was no further question from Members, the Chairman thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

12. A Member had no objection to rezone the site or the entire area for commercial uses as some of the sites had already been converted, but was concerned that the cargo handling area might be in conflict with the commercial uses as there were limited waterfront sites available for logistic industry. Although cargo handling area was considered not totally incompatible with commercial uses, there should be sufficient buffer between the two uses. The Vice-chairman concurred and said that the rezoning of the site should be considered in a comprehensive manner based on the entire area instead of the piecemeal rezoning of an individual site. Although the area was undergoing gradual transformation into a business area, the land use compatibility of commercial uses with the surrounding areas, including the cargo handling area, should be assessed and a clear planning intention of the entire area should be provided.

13. Another Member, however, considered that as the industrial area in Wong Chuk Hang had been transformed into a commercial area, the “I” zone in Ap Lei Chau, which was relatively isolated from other areas, should be reserved for industrial uses and offensive trades to avoid interface problem.

14. Members noted that the area to the north of Lee Nam Road was considered suitable to be rezoned from “I” to “OU(B)” as proposed in the Area Assessments 2009, while

PlanD and relevant government departments had confirmed the technical feasibility of the proposal. The latest site survey conducted by PlanD revealed that the area was gradually transforming into warehouse/storage and office uses with some manufacturing/workshop uses and the entire area could be rezoned to “OU(B)” use.

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

15. A Member agreed with PlanD’s view as the area had gradually been transformed into a commercial area and the application could be supported subject to the rezoning of the entire area to “OU(B)”. A Member agreed and said that offensive trades might not be able to survive in the area as there were market forces leading to the transformation. Regarding whether the rezoning of the site should be deferred pending the rezoning of the entire area, this Member said that PlanD’s on-going review on the zoning of the entire area might not be a strong reason to defer the application at this stage. Another Member concurred.

16. The Chairman summarised that Members in general agreed to the application and that as recommended in the Area Assessments 2009 endorsed by the TPB in 2010, PlanD should consider rezoning of the entire area from “I” to “OU(B)”. It was explained that the review would be completed within 2015. The Secretary supplemented that should the Committee approve the section 12A application, the amendment to the OZP would be submitted to the Committee for consideration. In view of Members’ concerns, PlanD would be requested to report the findings of the review on the entire area together with the proposed amendments to the OZP.

17. After further deliberation, the Committee decided to agree to the application, and that an amendment to the approved Aberdeen & Ap Lei Chau OZP No. S/H15/29 would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance after reference back of the OZP for amendment by the Chief Executive in Council.

[Ms Julia M.K. Lau and Mr Patrick H.T. Lau arrived to join the meeting at this point.]

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

Tsuen Wan & West Kowloon District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K16/38 Proposed Neighbourhood Activity Centre in Area Shown as ‘Road’,
Government Land under the Elevated Road of Kwai Chung Road, Mei
Foo, Lai Chi Kok
(MPC Paper No. A/K16/38)

18. The Secretary reported that the application was submitted by the Home Affairs Department (HAD) with Townland Consultants Ltd. (Townland) as one of the consultants of the applicant. The following Members had declared interests in this item :

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|---------------------|---|---|
| Mr Martin W.C. Kwan | - | being the Chief Engineer (Works), HAD |
| Professor P.P. Ho |] | |
| |] | having current business dealings with Townland |
| Mr Dominic K.K. Lam |] | |
| Mr Patrick H.T. Lau | - | having current business dealings with HAD and
Townland |
| Mr Stephen H.B. Yau | - | working in an organisation which has a project
funded by HAD |

19. Members considered that the interests of Mr Martin W.C. Kwan and Mr Patrick H.T. Lau were direct, and they should leave the meeting temporarily for this item. Members also noted that Professor P.P. Ho, Mr Dominic K.K. Lam and Mr Stephen H.B. Yau had no involvement in the application and agreed that they could stay in the meeting.

[Mr Martin W.C. Kwan and Mr Patrick H.T. Lau left the meeting temporarily at this point.]

Presentation and Question Sessions

20. 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 highlighting that the proposed Neighbourhood Activity Centre (NAC) was a signature project under the Signature Project Scheme (SPS) for the Sham Shui Po (SSP) District in accordance with the 2013 Policy Address to meet various needs of the community;
- (b) the proposed NAC, which comprised multi-purpose rooms, function rooms and ancillary facilities;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 306 public comments were received. Amongst these comments, 284 comments submitted by the Incorporated Owners of Mei Foo Sun Chuen Stage I, SSP District Council Member Mr Shum Siu Hung, local associations and 278 public (coordinated by three SSP District Council Members namely Mr Wong Tat Tung, Mr Shum Siu Hung and Mr Ng Kwai Hung) supported the application mainly on the grounds that the provision of community and leisure facilities in Mei Foo Sun Chuen was insufficient and the site had been idle for many years. Besides, nine commenters submitted by individuals objected to the application mainly on the grounds that a more convenient location should be explored; the proposed NAC would cause adverse air ventilation, air quality, noise and environmental impacts and an air quality assessment should be endorsed by the Environmental Protection Department; there was no extensive

public consultation prior to submission of the application; the relocation of the private community centre within Mei Foo Sun Chuen to the site was not supported; and there was no urgency and necessity for the proposed NAC. The remaining 13 commenters submitted by individuals provided views on the application considering that activities and services should be provided to the youth, female, elderly users from all age groups in the district; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper, which were summarised below :
 - (i) the proposed NAC was a signature project under the SPS for the SSP District in accordance with the 2013 Policy Address to help supporting the local community within the district. The project was initiated by the SSP District Council taking into account the characteristics of the district and the proposed location and details of the proposed scheme had been endorsed by the Committee on the Sham Shui Po Signature Project of the SSP District Council and SSP District Council in 2013;
 - (ii) the proposed NAC without residential/day care services was within the list of conditionally acceptable uses beneath flyovers and footbridges in Chapter 12 of the Hong Kong Planning Standards and Guidelines. It was small in scale and not incompatible with surrounding developments. Relevant government departments had no objection to or no adverse comments on the application;
 - (iii) the site was the subject of a previous application (No. A/K16/29) for proposed training and activities centre by Hong Kong Red Cross, which was rejected by the Committee in 2007. When compared with the current application, no information on the fresh air intake louvre and no proposal for air purification system were provided by the previous applicant in the rejected application; and

- (iv) regarding the public comments objecting to the application, the proposed NAC would make more efficient use of the currently idled site, thereby improving utilisation as well as beautifying the environment of the area underneath elevated road. According to the applicant, substantial effort had been made in reaching out to members of public since early 2013 and the public comments received would be conveyed to the future operator for consideration. The applicant also clarified that there was no relationship between the proposed NAC and the private community centre in Mei Foo Sun Chuen.

21. In response to the Vice-chairman's question on any change in circumstances since the last rejected application in 2007, Mr Philip Y.L. Chum, STP/TWK, said that the previous application was rejected as the applicant failed to demonstrate that the proposed centre would not be adversely affected by the surrounding vehicular emission. For the current application, the Director of Environmental Protection considered that the proposed NAC would not be adversely affected by the vehicular emission as air purification system and sufficient buffer distances between the fresh air intake louvre and the down-ramp of the elevated road were proposed.

22. In response to a Member's question on the submission of further information (FI) by the applicant, Mr Chum said that as requested by the applicant, departmental comments received would be forwarded to the applicant for responses. The applicant could also inspect the public comments on the application, which were made available at the Public Enquiry Counters of PlanD. The Secretary supplemented that any FI submitted by the applicant should be processed in accordance with the Town Planning Board Guidelines on Submission of FI in relation to Applications for Amendment of Plan, Planning Permission and Review made under the Town Planning Ordinance (TPB PG-No. 32). If the FI did not constitute a material change of the nature of the application and involved only clarification and explanation of the proposal submitted, it could be accepted and exempted from publication and recounting requirements.

Deliberation Session

23. 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 27.3.2019, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;

(b) the provision of fire service installations and water supply for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

“ to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the opportunities to provide landscape planting with tall shrubs along the strip and provide landscaping within the outdoor area of the site.”

[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 Martin W.C. Kwan and Mr Patrick H.T. Lau returned to join the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/KC/425

Proposed Office, Eating Place, Shop and Services in “Industrial” Zone,
77-81 Container Port Road, Kwai Chung
(MPC Paper No. A/KC/425A)

25. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase. Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Lau, who had no involvement in the application, could stay in the meeting.

26. The Committee noted that on 10.3.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare responses to the comments from the Transport Department. This was the applicants’ second request for deferment.

27. 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. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/KC/426 Proposed Office, Eating Place, Shop and Services in “Industrial” Zone,
38-42 Kwai Fung Crescent, Kwai Chung
(MPC Paper No. A/KC/426A)

28. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase. Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Lau, who had no involvement in the application, could stay in the meeting.

29. The Committee noted that on 10.3.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare responses to the comments from the Transport Department. This was the applicants’ second request for deferment.

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

[Mr Lawrence Y.C. Chau, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Ms M.L. Leung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/466 Proposed Comprehensive Residential and Commercial Development and Minor Relaxation of Building Height Restriction in “Comprehensive Development Area (7)” Zone, Tsuen Wan Town Lot 393 and Adjoining Government Land, Yeung Uk Road, Tsuen Wan (MPC Paper No. A/TW/466)

31. The Secretary reported that Environ Hong Kong Ltd. (Environ), Ove Arup & Partners Hong Kong Ltd. (Ove Arup) and CKM Asia Ltd. (CKM) were three of the consultants of the applicant. The following Members had declared interests in this item :

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

Mr Dominic K.K. Lam - having current business dealings with Environ and Ove Arup

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

32. Members noted that the above Members had no involvement in this application and agreed that they could stay in the meeting.

Presentation and Question Sessions

33. Ms M.L. Leung, STP/TWK, informed the Committee that three replacement pages (pages 19 to 21) of the Paper to include two advisory clauses ((j) and (k)) regarding hotel/gross floor area concession had been sent to Members before the meeting. With the aid of a Powerpoint presentation, Ms Leung then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive residential and commercial development and minor relaxation of building height (BH) restriction from 150mPD to 156mPD to accommodate a 6m-high refuge floor cum sky garden between the hotel and retail floors of the commercial block (the sky garden);
- (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 period, a total of 70 public comments were received from a Tsuen Wan District Council (TWDC) Member, The Incorporated Owners of Chelsea Court and private individuals. All commenters either objected to or raised concerns on the application mainly on the grounds that the propose development would cause adverse impacts on visual, air ventilation/quality, traffic, trees and seasonal/migratory birds as well as generate light pollution and nuisance to the surrounding in particular the Chelsea Court. The commenters also proposed to reduce the BH; widen the building gap/separation; building disposition towards Gunzetal; and rezone the site to open space or recreational/leisure uses;
- (e) the District Officer (Tsuen Wan) had no comment on the application but conveyed that several TWDC Members had expressed concerns on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application largely complied with the requirements under the Planning Brief (PB) of the site endorsed by the Committee in 2014. The proposed minor BH relaxation for the provision of the 6m-high sky garden for the proposed commercial block for its visual, air ventilation and social benefits could be considered as a planning merit by virtue of its being an additional local amenity beneficial to the general public, which was

considered justified in accordance with paragraph 7.6(f) of the Explanatory Statement of the draft Tsuen Wan Outline Zoning Plan. The applicant had conducted various technical assessments to support the proposed development and relevant government departments had no objection to or no adverse comments on the application. Regarding the public comments, the above assessments were relevant.

34. In response to the Vice-chairman's question on the layout of the proposed sky garden, Ms M.L. Leung, STP/TWK said that, by referring to a landscape plan and photomontage in the Powerpoint presentation, the sky garden would be furnished with greening with shrubs at the periphery, which would be visible to pedestrians. The sky garden would be open for public use at reasonable hours.

35. A Member asked if the proposed minor relaxation of BH restriction was necessary for the applicant to fully utilise the permitted plot ratio (PR) and to accommodate the sky garden, and how to ensure the sky garden would be open to public. Another Member queried if the sky garden would be open for the use of the general public, as there would be only one lift for public to gain access to the sky garden. A Member also expressed concern on the usable floor area of the sky garden for public enjoyment. In response, Mr Lawrence Y.C. Chau, DPO/TWK, said that should there be no relaxation of BH restriction, the applicant might need to reduce the floor-to-floor height of the proposed commercial development in order to accommodate the sky garden or not provide any sky garden. If the applicant chose the latter option, the visual benefits and planning merit brought about by the sky garden would be lost. However, there should not be any impact on the permitted PR. The provision of the sky garden, if approved, would be stipulated as one of the planning approval conditions. To ease Members' concern on the design of the sky garden, Mr Chau said that the approval condition as suggested in paragraph 13.2(d) of the Paper could be revised to include the design of the sky garden.

36. A Member commented that the proposed G/F design of the development was not ideal and its landscape design should be improved as the setback area at the eastern portion of the site, the landscaped non-building area (NBA) and the public open space (POS) were divided by the proposed driveway. There was also no need to have the sunken amphitheatre with the pedestrian underpass as the site was formed at street level. This Member asked

whether an alternative location for the proposed vehicular ingress/egress had been considered. In response, Mr Chau said that, by referring to a G/F plan in the Powerpoint presentation, the two separate vehicular ingress/egress points were set out in the PB endorsed by the Committee in 2014, which had been planned to avoid the blockage of the entrance to the residential carpark by the queueing of vehicles for the commercial carpark. Given the PB requirements for providing a 38m-wide NBA aligned with Chung On Street and a POS of 1,300m² (which occupied about 40% of the site area), there was little room for the applicant to make an alternative arrangement within the site. To meet the design standards, sufficient manoeuvring spaces would have to be provided for the access ramp to the basement car park. Besides, in complying with the provision of a building setback of 5m from both Yeung Uk Road and Ma Tau Pa Road in the PB, it was necessary to provide an emergency vehicular access (EVA) within the site. It should be noted that the EVA would not be used as vehicular access during normal hours. As for the sunken amphitheatre, it was to provide an integrated design for the NBA and POS as required by the PB. The applicant had demonstrated effort to comply with the requirements of the PB.

37. A Member asked (i) how the private and public portions of the landscaped NBA and POS would be demarcated, (ii) what would be the greening ratio of the proposed development and (iii) whether the landscape proposal along the setback area of Yeung Uk Road was adequate. In response, Mr Chau said that there was no information on the demarcation of the public and private portions of the landscaped area in the submission. As for the greening ratio, it was calculated in respect of the whole site area. However, the greening ratio calculation would be further refined according to the sustainable building design requirements under the Practice Notes for Authorised Persons (PNAP) APP-152, and detailed checking would be carried out at the building plans submission stage by the Building Authority. As for the landscape proposal along Yeung Uk Road, it would be subject to an approval condition on the submission and implementation of a revised landscape master plan as recommended and could be further improved during the detailed design stage.

38. In response to the Chairman's enquiry, Mr Chau confirmed that the 1,300m² POS, which fell within the commercial portion of the site, would be managed and maintained by the owner of the commercial portion. The lease had restricted the alienation of the commercial portion except as a whole so that the sub-sale of the commercial portion of the development would not be allowed.

39. In response to a Member's question, Mr Chau said that there was no information of the usable floor area of the proposed sky garden in the submission. In response to the Member's further question, Mr Chau said that as mentioned earlier, the design of the sky garden would be subject to the approval condition (d) as suggested, its usable floor area could be monitored.

Deliberation Session

40. The Chairman said that there were two components of the application; one was the Master Layout Plan (MLP) for the proposed development and the other was the minor relaxation of BH restriction for the provision of a sky garden.

MLP

41. Members noted that the PB had set out various planning and design requirements for the site by which the design flexibility of the site were constrained. As shown in Appendix IV of the Paper, the applicant had largely complied with the requirements under the PB. The lease had also incorporated relevant requirements of the PB, including the vehicular access points, setback areas, NBA and POS. Hence, the flexibility for change was limited.

42. A Member had no objection to the MLP as it had complied with the requirements of the PB. Another Member had no objection to the MLP but reiterated that the design of the G/F should be enhanced.

43. Another Member agreed that the G/F landscape design should be improved and considered that the proposed sunken amphitheatre was not user-friendly, particularly to the elderly. The Chairman said that it was a cascading design in order to overcome the vertical difference. However, he agreed that there was room for improvement and suggested that an advisory clause should be added to request the applicant to review and improve the connection between and NBA and POS in consultation with PlanD.

Minor Relaxation of the BH

44. In response to a Member's question, the Chairman said that according to the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) in paragraph 10.1.1(c) of the Paper, the commercial portion of the site was subject to a BH restriction of 150mPD under the lease and there was no guarantee that the proposed BH of 156mPD would be approved by the Director of Lands (D of Lands), or might be subject to payment of premium and administration fee, if approved.

45. The same Member said that whether it was necessary to consider that the bidding of the site was assessed on the basis of no minor relaxation of BH when the bidders placed their bids. In response, the Chairman said that the tendering process and execution of the lease were outside the purview of the Committee. As pointed out by DLO/TW&KT, LandsD, even if the application was approved by the Committee, the proposed minor relaxation of BH would still be subject to the approval of D of Lands.

46. A Member had no objection to the proposed minor relaxation of BH restriction to accommodate the sky garden but considered that it was necessary to ensure that the sky garden would be open to public for enjoyment and that it would be used to enhance air ventilation and provide a comfortable environment for future users. In this regard, the Chairman said that the approval condition (d) could be revised to include the design of the sky garden.

47. A Member supported the minor relaxation application as it would improve the building design. The Vice-chairman remarked that from fire safety point of view, the refuge floor should provide a clear space for fire services installation. Hence it was necessary to ensure that the fire services installation would not be affected by the landscaping of the proposed sky garden. In response to the Chairman's question on whether it was necessary for the proposed development to provide a refuge floor, a Member answered in negative.

48. A Member said that the 6-m high sky garden for greening might not be justified as only artificial lawn and shrubs would be provided according to the applicant's submission. Another Member said that a major consideration in assessing the proposed relaxation of BH should be on the planning merits of the proposed sky garden. The Member considered that the planning merits in the current application were marginally acceptable as the percentage of

the increase in BH was minor. The Chairman drew Members' attention to the justifications put forth by the applicant in support of the sky garden as stated in paragraph 2(f) of the Paper, which included visual, air ventilation and social benefits.

49. A Member opined that from architectural point of view, a refuge floor with standard headroom and hardscape treatment would make users feel uncomfortable. This Member agreed with PlanD's assessment that the proposed sky garden would have slight benefits to the surroundings. The sky garden would serve as a breathing space for retail users. Besides, although for composite buildings not exceeding 40 storeys in height, the main roof of the building might be regarded as a refuge floor, the provision of refuge floor at not more than 25 storeys was considered to be good practice. The Vice-chairman concurred and considered that the proposed minor relaxation was marginally acceptable.

50. A Member supported the minor relaxation of BH but it was necessary to ensure that it would not be converted into other uses such as electrical and mechanical facilities later. As it might not be practical to enforce the opening of the sky garden for general public use, this Member had no strong view if the sky garden would be used exclusively by retail/hotel users. The Vice-chairman shared the view that the sky garden at 21/F might not be attractive or easily accessible to the general public but agreed that the sky garden should be well designed. A Member reiterated that the landscaping of the sky garden should be improved by providing more natural plantings.

[Professor P.P. Ho left the meeting at this point.]

51. The Chairman agreed that the sky garden might not be very attractive to the general public, however, the Committee had previously approved similar applications for relaxation of BH to allow higher headroom for refuge floor cum sky garden, considering that it could serve a dual functions of providing recreation facilities as well as serving as visual relief and breathing space. Based on the PlanD's assessment, the sky garden would have slight benefits to the surrounding area in terms of visual and air ventilation.

Open to the Public

52. Ms Doris M.Y. Chow, Assistant Director (Regional 1), LandsD, said that should Members considered it not necessary to open the sky garden to the general public, it should be

regarded as an open space for the users of the building instead of a POS. The requirement to open the sky garden to the general public at reasonable hours should therefore not be incorporated in the lease condition to avoid dispute. There was also no guarantee that such requirement could be imposed under the lease. A Member agreed that it might be difficult to enforce the requirement.

53. Two Members disagreed and one of the Members said that although the sky garden might not attract substantial number of general public, the opening of the sky garden was proposed by applicant and was one of the planning merits proposed. The Vice-chairman and another Member concurred. The Chairman supplemented that the opening of the sky garden at “reasonable hours” could tie in with the retail portion of the proposed development, while PlanD would liaise with the Lands Authority on the lease issue.

54. To ease Members’ concerns on the design of the sky garden, the Chairman suggested and Members agreed that approval condition (d) be revised to include the design of the sky garden, and the opening of the sky garden should be subject to the terms as proposed by the applicant. The applicant should also be advised to note the Members’ views that apart from the proposed shrubs, more natural plantings should be provided at the periphery of the sky garden.

55. 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 27.3.2019, 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 revised Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions (b) to (g) below to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission and implementation of a revised implementation programme to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission and implementation of a revised Landscape Master Plan including the tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of a sky garden open for public enjoyment at reasonable hours, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of a revised Traffic Impact Assessment, design and provision of vehicular access, pedestrian circulation system, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the submission of a revised Road Traffic Noise Impact Assessment and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (g) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “ (a) to note that the approved MLP, together with the set of approval conditions, will be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to note all the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department stated in paragraph 10.1.1 and Appendix V of the Paper;

- (c) to note all the requirements of the Chief Building Surveyor/New Territories West, Buildings Department (BD) stated in paragraph 10.1.2 and Appendix VI of the Paper;
- (d) to note the requirements of the Director of Environmental Protection (DEP) to liaise with the relevant commenters to address their concerns on air quality and duly comply with all statutory requirements in Air Pollution Control Ordinance (Cap. 311) and all subsidiary regulations; and to note DEP's technical advice on the required provision of air conditioning system and fresh-air intakes for the hotel, retail shops and other sensitive uses, and the comments on Air Quality Impact Assessment in the submitted Environmental Assessment;
- (e) to avoid using building materials such as reflective glass which would produce unacceptable heat transfer and light reflection and submit an Overall Thermal Transfer Value Report to BD for consideration;
- (f) to note the requirements of the Director of Fire Services that the provision of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department regarding the existing water mains and waterworks reserve affected by the proposed development, including that the developer shall bear the cost of any necessary diversion works affected by the development; no structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes; and the Water Authority (WA) and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purposes of laying, repairing and maintenance of water mains and all other services across, through or under it which the WA may require or authorize;
- (h) to note the comments of the Chief Architect/Central Management Division

2, Architectural Services Department regarding the requirements of complying with the Sustainable Building Design (SBD) Guidelines under Practice Note for Authorised Persons No. APP-152 and the requirements of allowing sufficient space clear of planting at the periphery of flat roofs and sky garden for maintenance of the building façade;

- (i) to strictly follow the planning and design requirements of the Tsuen Wan Town Lot 393 set out in the endorsed Planning Brief of the “Comprehensive Development Area (7)” site in revising the approved MLP;
- (j) the approval of the application does not imply that the proposed hotel concession/gross floor area (GFA) exemption for back-of-house (BOH) facilities will be granted by the Building Authority (BA). The applicant should approach BD direct to obtain the necessary approvals. In addition, if the proposed hotel concession/GFA exemption for BOH facilities is not granted by BA, resulting in major changes to the current scheme, a fresh planning application to the TPB may be required;
- (k) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the SBD Guidelines, and any proposal on bonus plot ratio and/or GFA concession for the proposed development will be approved/granted by 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;
- (l) to review and improve the connection between the non-building area and public open space on G/F in consultation with the Planning Department;
and
- (m) to have more natural plantings at the periphery of the sky garden in addition to the shrubs as proposed by the applicant.”

[The Chairman thanked Mr Lawrence Y.C. Chau, DPO/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

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

[Dr Wilton W.T. Fok and Dr Lawrence W.C. Poon left the meeting and Mr Martin W.C. Kwan left the meeting temporarily at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/468 Shop and Services in "Other Specified Uses" annotated "Business"
Zone, Workshop D, G/F, No. 3 Hoi Shing Road, Tsuen Wan
(MPC Paper No. A/TW/468)

Presentation and Question Sessions

57. With the aid of a Powerpoint presentation, Ms M.L. Leung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services under application;
- (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, no public comment was received and no local objection/view was received by the District Officer (Tsuen Wan); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The development complied with the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” Zone (TPB PG-No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts. The premises was the subject of a previous application (No. A/TW/457) for shop and services use submitted by the same applicant approved by the Committee in June 2014, which was revoked in December 2014 due to non-compliance with the approval condition on the submission and implementation of fire service installations. In this regard, a shorter compliance period was proposed to monitor the progress of compliance should the Committee decide to approve the application.

58. Members had no question on the application.

Deliberation Session

59. 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 the means of escape completely separated from the industrial portion and fire service installations in the application premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2015;
- (b) in relation to (a) above, the implementation of the proposal for fire safety measures within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2015; and

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

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

- “ (a) to note that a shorter compliance period is granted in order to monitor the progress of compliance with 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;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that the ‘Shop and Services’ use under application is not permitted under the Leases. The owner(s) should apply to LandsD for temporary waiver(s). The temporary waiver application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions including payment of waiver fee and administrative fee and such other terms as considered appropriate by the Government;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that a clear space of not less than 1500mm x 1500mm should be provided at the head of the ramps for persons with a disability at the subject premises facing Hoi Shing Road; and
- (d) 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. Regarding matters in relation to fire resisting construction of the premises, the applicant is advised to comply with the requirements as stipulated in the Code of Practice for Fire Safety in Buildings which is administered by the Building Authority. The applicant is advised to take note of the TPB’s ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures

for Commercial Uses in Industrial Premises’, if necessary.”

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/TY/127 Proposed Temporary Concrete Batching Plant for a Period of 5 Years in “Other Specified Uses” annotated “Boatyard and Marine-oriented Industrial Uses” zone and an area partly outside the Boundary of Planning Scheme, Tam Kon Shan Road, Tsing Yi Town Lot Nos. 14 and 15 and Adjoining Government Land, Tsing Yi
(MPC Paper No. A/TY/127A)

61. The Secretary reported that AECOM Asia Co. Ltd. (AECOM), LLA Consultancy Ltd. (LLA) and BMT Asia Pacific Ltd. (BMT) were three of the consultants of the applicant. The following Members had declared interests in this item :

Professor P. P. Ho]	
]	having current business dealings with AECOM
Ms Julia M.K. Lau]	
Mr Dominic K.K. Lam]	having current business dealings with AECOM,
]	LLA and BMT
Mr Patrick H.T. Lau]	

62. Members noted that the applicant had requested for deferment of consideration of the application and agreed that the above Members, who had no involvement in the application, could stay in the meeting.

63. The Committee noted that on 16.3.2015, the applicant had requested for

deferment of the consideration of the application for two months in order to allow time for preparation and submission of further information and technical clarifications in response to the departmental comments received. This was the applicants' second request for deferment.

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

Hong Kong District

Agenda Item 10

Section 16 Application

[Open Meeting]

A/H21/140 Proposed Office with Eating Place, Shop and Services in "Residential (Group A)" Zone, 21-39 Mansion Street and 852-858 King's Road, Quarry Bay
(MPC Paper No. A/H21/140)

65. The Secretary reported that the application was submitted by Main Light Limited, which was a subsidiary of Henderson Land Development Co. Ltd. (HLD) with LLA Consultancy Ltd. (LLA) as one of the consultants of the applicant. The following Members had declared interests in this item :

- Mr Roger K.H. Luk (Vice-chairman) - being a Member of the Council of the Chinese University of Hong Kong (CUHK) which received donation from a family member of the Chairman of HLD
- Professor P.P. Ho - being an employee of CUHK which received donation from a family member of the Chairman of HLD
- Mr Clarence W.C. Leung - being the Director of an non-government organisation which received donation from a family member of the Chairman of HLD
- Dr Wilton W.T. Fok - being an employee of the University of Hong Kong which received donation from a family member of the Chairman of HLD
- Mr Dominic K.K. Lam]
] having current business dealings with HLD and
] LLA
Mr Patrick H.T. Lau]

66. Members noted that Mr Clarence W.C. Leung had tendered apologies for being unable to attend the meeting and Dr Wilton W.T. Fok had left the meeting already. Members also noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Roger K.H. Luk and Professor P.P. Ho, who had no involvement in the application, could stay in the meeting. Mr Dominic K.K. Lam and Mr Patrick H.T. Lau who had current business dealings with HLD could also stay but should refrain from participating in the discussion.

[Mr Martin W.C. Kwan returned to join the meeting at this point.]

67. The Committee noted that on 10.3.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare address the departmental comments. This was the first time that the applicant

requested for deferment.

68. 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 Irene W.S. Lai, 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/H8/423 Proposed Educational Institution in “Commercial/Residential” Zone,
25/F, SUP Tower, 75-83 King’s Road, North Point
(MPC Paper No. A/H8/423)

Presentation and Question Sessions

69. With the aid of a Powerpoint presentation, Ms Irene W.S. Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed educational institution;
- (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, no public comment was received and no local objection/view was received by the District Officer (Eastern); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. All concerned departments had no adverse comment on or no objection to the application.

70. Members had no question on the application.

Deliberation Session

71. 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 27.3.2019, 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 :

“ the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “ (a) to note the comment of the Executive Officer (Non-local Courses Registry), Education Bureau that Mainland students are not allowed to study full-time or part-time non-local programmes;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department regarding submission of plans for building works at the application premises, Regulation 7 of the Education Regulations (Cap. 279A) and the application for a school registration for

the proposed use; and

- (c) to note the comments of the Director of Fire Services that the proposed development should comply with the Post Secondary Colleges Ordinance, Cap. 320, the Hong Kong Institute of Education Ordinance, Cap. 444, the Hong Kong Academy for Performing Arts Ordinance, Cap. 1135, or the various University Ordinances or the Education Ordinance, Non-local Higher and Professional Education (Regulation) Ordinance, Cap. 493.”

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

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

Kowloon District

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/219 Proposed Shop and Services (Fast Food Shop) in “Other Specified Uses” annotated “Business” Zone, Factory Flat Nos. 2A and 2B, G/F, Wing Shing Industrial Building, 26 Ng Fong Street, San Po Kong
(MPC Paper No. A/K11/219)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (fast food shop);
- (c) departmental comments – departmental comments were set out in paragraph 10 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, 44 public comments were received from the Incorporated Owners, property management company and individuals/companies of the subject buildings objecting to the application. Their main concerns were the possible blocking of the main entrance, potential fire risk, adverse impact on hygienic condition, increase in the maintenance costs and breach of the deed of mutual covenant (DMC) of the subject building. No local objection/view was received by the District Officer (Wong Tai Sin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The development complied with the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” Zone (TPB PG-No. 22D). Regarding the public concerns about the possible blocking of the main entrance, potential fire risk, adverse impact on hygienic condition of the subject building, these would be subject to monitoring by the requirements of relevant ordinance or food licensing authority, and relevant government departments had no objection to or no adverse comments on the application. For the public comments on the DMC, which were agreements among the owners of the building setting out the rules to regulate the rights and liabilities of owners, it should be sorted out between the owners of the buildings separately.

75. The Vice-chairman asked how to ensure that the application premises would only be used for fast food shop as applied, Ms Sandy S.K. Ng, STP/K, said that the Lands Department (LandsD) could take enforcement action against any unauthorised use. The Chairman supplemented that should the Committee decide to approve the planning application, the applicant was required to apply to LandsD for a short-term waiver (STW) for the proposed use and suitable conditions would be imposed to govern the proposal if the STW was granted.

76. In response to a Member's question on the DMC and whether there was a licensing requirement for the proposed use to take note of the DMC, the Chairman said that the DMC was a contractual agreement among the owners of the building. The Committee should focus on planning consideration including land use compatibility of the proposed use and the licensing requirements should be resolved separately by the Licensing Authority.

Deliberation Session

77. 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 27.3.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “ (a) the submission and implementation of the proposal for the fire safety measures, including the provision of fire service installations in the application premises, before operation of the use, to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “ (a) to take note of the restriction of the deed of mutual covenant of the subject building and consult other owners of the building with a view to addressing their concerns on the proposed ‘Shop and Services (Fast Food Shop)’ use at the application premises;
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the proposed ‘Shop and Services (Fast Food Shop)’ use at the application premises;
- (c) 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 to observe the TPB’s ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) to appoint an Authorized Person and a Registered Structural Engineer to prepare and submit building plans for the proposed change in use/alterations and additions works to demonstrate compliance with the current provisions of the Buildings Ordinance (BO), in particular :
- (i) the provision of adequate means of escape for the application premises in accordance with the Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (ii) the application premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code;
- (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;

- (iv) the applicant is required to observe the licensing requirements imposed by the relevant licensing authority;
- (v) for unauthorized building works (UBW) erected on private land/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 application premises under the BO; and
- (vi) the applicant should also note the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers PNAP APP-47 that BA has no powers to give retrospective approval or consent for any UBW."

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/295 Shop and Services in "Other Specified Uses" annotated "Business" Zone, Unit B2A, G/F, Block B, Tonic Industrial Centre, 19 Lam Hing Street, Kowloon Bay
(MPC Paper No. A/K13/295)

Presentation and Question Sessions

79. With the aid of a Powerpoint presentation, Ms Sandy S.K. Ng, 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 under application;

- (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, no public comment was received and no local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The development complied with the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” Zone (TPB PG-No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas.

80. Members had no question on the application.

Deliberation Session

81. 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 and implementation of the proposal for fire safety measures, including the provision of means of escape completely separated from the industrial portion and fire service installations and equipment in the application premises, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2015; 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.”

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

- “ (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings administered by the Building Authority (BA) and pay attention to the TPB’s ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) to appoint an Authorized Person and a Registered Structural Engineer to prepare and submit building plans for the proposed change in use/alterations and additions works to demonstrate compliance with the current provisions of the Buildings Ordinance (BO), in particular :
- (i) the provision of adequate means of escape for the application premises in accordance with the Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (ii) the application premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code;
- (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;
- (iv) for unauthorized building works (UBW) erected on private land/buildings, enforcement action may be taken by 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 application premises under the BO; and

- (v) the applicant should pay attention to Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers PNAP APP-47 that BA has no powers to give retrospective approval or consent for any UBW.”

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/K18/313 Proposed School (Kindergarten) in “Residential (Group C) 3” Zone, 3
Flint Road, Kowloon Tong
(MPC Paper No. A/K18/313)

83. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was the consultant of the applicant. The following Members had declared interests in this item :

Ms Julia M.K. Lau - being the Director of a company owning a property in Kowloon Tong; and her family members lived in Waterloo Road

Mr Clarence W.C. Leung - currently living in La Salle Road

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

84. Members noted that Mr Leung had tendered apologies for being unable to attend the meeting. Members also noted that the property of Ms Lau did not have a direct view on the application site and Mr Lau had no involvement in this application. Members agreed

that Ms Lau and Mr Lau could stay in the meeting.

85. The Committee noted that on 10.3.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare responses to the departmental comments. This was the first time that the applicant requested for deferment.

86. 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

Any Other Business

87. There being no other business, the meeting closed at 11:50 a.m..