

TOWN PLANNING BOARD

Minutes of 563rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 12.8.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

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 Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr. Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr T.Y. Ip

Professor T.S. Liu

Ms Sandy H.Y. Wong

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Wilson W.S. Pang

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
Mr Simon S.W. Wang

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

Secretary

Absent with Apologies

Mr K.K. Cheung

Mr Franklin Yu

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Karen F.Y. Wong

Town Planner/Town Planning Board
Mr Eric C.Y. Chiu

Agenda Item 1

Confirmation of the Draft Minutes of the 562nd MPC Meeting held on 29.7.2016

[Open Meeting]

1. The draft minutes of the 562nd MPC meeting held on 29.7.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/572 Proposed Eating Place in “Residential (Group A)” Zone and an area shown as ‘Road’, 3/F to 5/F, 516 Shanghai Street, Mong Kok, Kowloon
(MPC Paper No. A/K3/572)

Presentation and Question Sessions

3. With the aid of a PowerPoint presentation, Miss 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 eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from individuals. One of the commenters supported the application as it would be beneficial to the commercial development in the area whereas the other commenter objected to the application mainly on the grounds that the demand for residential units in the urban area was strong; there was query on the contribution of eating place to the area; residential use would have less traffic impact; and more appropriate use of the site should be encouraged. No local objection/view was received by the District Officer (Yau Tsim Mong); 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. The proposed eating place was considered not incompatible with the surrounding land uses which were predominantly mixed commercial/residential in nature with commercial uses such as shops and restaurants at lower floors. It was not expected to have adverse traffic or environmental impacts on the surrounding areas. The site was small (about 92m²) and the subject 6-storey building was vacant. The proposed development, being a conversion of the existing building, would have insignificant impact on the housing land supply. Regarding the public comments, the assessments above were relevant.

4. Members had no question on the application.

[Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

Deliberation Session

5. The Committee noted that a similar application had been approved in 2005 and approval conditions were stipulated to address the concerns of relevant departments on traffic, fire safety and sewage aspects. The Committee also noted that the subject building was located in a neighbourhood of mixed commercial and residential uses with plenty eating places. The proposed eating place on upper floors was not expected to cause significant adverse impact on the adjacent residential buildings. Eating place use would also be subject to other regulations and licensing requirements on fire safety, hygiene, air exhaust and noise nuisance.

6. 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 12.8.2020, 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 condition:

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

7. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

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

[Ms Ginger K.Y. Kiang, District Planning Officer/Hong Kong (DPO/HK), was invited to the meeting and Dr Wilton W.T. Fok arrived to join the meeting at this point.]

Hong Kong District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/431 Temporary Eating Place for a Period of Five Years in "Government, Institution or Community", "Open Space" and "Residential (Group A)8" Zones, G/F, 4 David Lane, Sai Ying Pun, Hong Kong
(MPC Paper No. A/H3/431)

Presentation and Question Sessions

8. With the aid of a PowerPoint presentation, Ms Ginger K.Y. Kiang, DPO/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary eating place for a period of five years;
- (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, 15 public comments were received from a Central and Western District Council member, the Incorporated Owners of a nearby building, local residents and individuals. Out of the 15 public comments received, 10 objected to and 5 provided comments on the application. The concerns were mainly on the grounds that the proposed use would pose adverse environmental impacts, such as odour, hygiene, as well as noise and glare nuisances to the surrounding areas; the restaurant would cause problems on fire safety, security and loading/unloading; there were more than enough eating places in the surrounding area; the premises was too small for eating place use; and traditional local shops should be encouraged to be operated in the area. No local objection/view was received by the District Officer (Central and Western); 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 subject premises was located on a site that straddled the “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and “Residential (Group A)8” zones. The site was currently not reserved for any G/IC use. The proposed temporary eating place would unlikely frustrate the planning intention of the “G/IC” and “O” zones in the long run. The proposed eating place was not incompatible with the surrounding developments in terms of land use. A separate access would be provided on the ground floor thus avoid causing nuisance to the residents on the upper floor of the building. In view of its small scale and nature of operation, the proposed eating place was not anticipated to cause significant adverse traffic, drainage, sewerage, landscape and fire safety impacts on the surrounding areas. Potential environmental nuisances such as noise, cooking fume and hygiene could be controlled under the relevant legislation. The application generally complied with the Town Planning Board Guidelines No. 16 for ‘Application for Development/Redevelopment within “G/IC” Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance’.

9. In response to a Member's enquiry, Ms Ginger K.Y. Kiang, DPO/HK, said that about 40% of the land in the "G/IC" zone was government land. The site had been designated as "G/IC" since the publication of the first Outline Zoning Plan for the area in the 1970s in order to reserve land for provision of community facilities in the future. Currently there was no designated use for the "G/IC" zone. Another Member enquired whether there was any similar application for a five-year temporary planning permission. In response, Ms Kiang said that the similar application for eating place use in the area was approved on a permanent basis.

Deliberation Session

10. After deliberation, the Committee decided to approve the application on a temporary basis for a period of five years until 12.8.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of fire service installations and water supplies for fire fighting within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 12.2.2017; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

11. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

[The Chairman thanked Ms Ginger K.Y. Kiang, DPO/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/H6/80 Proposed Access Road and Associated Works for Residential Development in “Green Belt” and “Residential (Group B)” Zones, 4 - 4C Tai Hang Road and Adjoining Government Land, Hong Kong
(MPC Paper No. A/H6/80)

12. The Secretary reported that the application site was located in Tai Hang and MVA Hong Kong Ltd. (MVA), Ove Arup & Partners Hong Kong Ltd. (OAP) and Ramboll Environ Hong Kong Ltd. (Environ) were three of the consultants of the applicant. The following Members had declared interests in the item:

- Ms Sandy H.Y. Wong - living in Tai Hang;

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

- Mr Thomas O.S. Ho - having current business dealings with MVA;

- Mr K.K. Cheung - his firm having current business dealings with OAP;

- Mr Dominic K.K. Lam - having past business dealings with MVA, OAP and Environ; and

- Mr Franklin Yu - having past business dealings with MVA and OAP.

13. Mr Patrick H.T. Lau reported that residents in the Tai Hang had approached him to provide comments on the application but he had not discussed the application with them.

14. The Committee noted that Mr K.K. Cheung and Mr Franklin Yu had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferment of consideration of the application and agreed that as Mr Patrick H.T. Lau, Mr Thomas O.S. Ho and Mr Dominic K.K. Lam had no involvement in the application, they could stay in the meeting. The Committee agreed that as the interest of Ms Sandy H.Y. Wong was direct, she could stay in the meeting but should refrain from participating in the discussion.

15. The Secretary reported that two letters submitted by Wan Chai District Council members and local residents expressing objections to the application were received before the meeting. The letters would be submitted to the Committee as appropriate when the application was put up for consideration.

16. The Committee noted that the applicant requested on 26.7.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments from government departments and consult the District Council. It was the first time that the applicant requested for deferment of the application.

17. 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.

[Miss Eva Y.W. Chan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Kowloon District

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/733 Shop and Services in “Other Specified Uses” annotated “Business” Zone,
Unit No. 1-B, G/F, Century Centre, 44 and 46 Hung To Road, Kwun
Tong, Kowloon
(MPC Paper No. A/K14/733)

Presentation and Question Sessions

18. With the aid of a PowerPoint presentation, Miss Eva Y.W. Chan, 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;
- (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. 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 application complied with the Town Planning Board Guidelines for Development within the “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. Should the Committee decide to

approve the application, no time clause on commencement was proposed as the shop and services use under application was already in operation.

19. A Member noted that there were a number of lapsed planning applications for shop and services use on the ground floor of the subject building and enquired whether there were any premises currently operating without valid planning permission which would then make the aggregate commercial floor area on the ground floor exceed the 460m² limit imposed for fire safety reasons. Miss Eva Y.W. Chan, STP/K, made reference to pages 3 and 4 of the Paper and replied that the existing total commercial floor area for shop and services use approved by the Committee on the ground floor of the subject building was 383.61m². Lapsed and expired planning permissions had not been included in the calculation. She further said that shop and services use in the subject building without valid planning permission would be subject to lease enforcement action by the Lands Department.

Deliberation Session

20. 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 fire service installations and equipment at the application premises and means of escape separated from the industrial portion of the subject industrial building, within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.2.2017; and
- (b) if the above planning condition (a) 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.”

21. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix II of the Paper.

[The Chairman thanked Miss Eva Y.W. Chan, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 7

Any Other Business

22. There being no other business, the meeting closed at 9:40 a.m..