

TOWN PLANNING BOARD

Minutes of 575th Meeting of the Metro Planning Committee held at 9:00 a.m. on 17.2.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Stephen H.B. Yau

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

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
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr Patrick H.T. Lau

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Kepler S.Y. Yuen

Assistant Town Planner/Town Planning Board
Mr Harris K.C. Liu

Agenda Item 1

Confirmation of the Draft Minutes of the 574th MPC Meeting held on 3.2.2017

[Open Meeting]

1. The Secretary reported that minor amendments to rectify typographical error in paragraph 30 of the draft minutes were proposed and the relevant extract of the revised draft minutes had been tabled for Members' consideration. No further amendment was proposed and the draft minutes of the 574th MPC meeting held on 3.2.2017 were confirmed with the amendments tabled at the meeting.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Streamlining of Minutes of Meeting

2. The Secretary reported that on 13.1.2017, Members were informed of an email received from a member of the public expressing concern on the minutes of the Rural and New Town Planning Committee (PC) meeting on 9.12.2016, which did not include a gist of public comments on the cases but only made reference to the relevant paragraph in paper. The Committee noted that Town Planning Board (TPB)/PC papers were available for public viewing in the Planning Enquiry Counters of the Planning Department for at least three months. The audio recording of the proceedings of meetings was also available on the TPB's website. Members were fully aware of the public comments received during the publication of the application, which had been included in the respective TPB/PC papers, and the public comments were also available for public viewing. As such, it was not necessary to recapitulate the details of public comments in the minutes of meeting, which was not intended to be verbatim. Members agreed that the Secretariat would reply to that member of the public. A reply was issued by the Secretariat on 24.1.2017 accordingly.

3. Subsequently, an email from another member of the public had been received enclosing a letter dated 1.2.2017 addressed to the Chairman of the TPB (which had tabled at the meeting), echoing the concern of not including details of the public views in the minutes

of meeting. As the subject matter had been considered by the Committee and no new points were raised, subject to Members' agreement, the Secretariat would reply along the above lines.

4. After deliberation, the Committee agreed that the Secretariat would reply to that member of the public accordingly.

[Mr Sunny L.K. Ho and Ms Sandy H.Y. Wong arrived to join the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TW/9 Application for Amendment to the Draft Tsuen Wan Outline Zoning Plan No. S/TW/32, To rezone the application site from "Green Belt" to "Government, Institution or Community (10)", Lots 613 RP (Part), 614 and 1229 in D.D. 453 and Adjoining Government Land, Lo Wai, Tsuen Wan, New Territories

(MPC Paper No. Y/TW/9)

5. The Secretary reported that LLA Consultancy Limited (LLA) and BMT Asia Pacific Limited (BMT) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Patrick H.T. Lau - having current business dealings with BMT and past business dealings with LLA; and

Mr Thomas O.S. Ho - having past business dealings with BMT.

6. The Committee noted that Mr Patrick H.T. Lau had tendered apology for being unable to attend the meeting and agreed that Mr Thomas O.S. Ho could stay in the meeting as his interest was indirect.

7. The following representatives from the Planning Department (PlanD) and Transport Department (TD) and the representatives of the applicant were invited to the meeting at this point:

Mr Lawrence Y.C. Chau	- District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD;
Mr Walter W.N. Kwong	- Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), PlanD;
Mr Michael K.H. Cheung	- Engineer/Tsuen Wan (2) (E/TW(2)), TD;
Mr Tim C.C. Lam	- Engineer/Tsuen Wan (1) (E/TW(1)), TD; and
Mr Chan Tung Ngok, Tony]
Mr Lin Kwang Jung, Alan]
Mr Cheung Kin Chung]
Mr Yeung Lai Kwong]
Ms Lin Tzu]
Mr Tam Chi Yan] Applicant's representatives
Mr Chan Kwok Wai]
Mr Chan Kim On]
Miss Leung Sau Man, Esther]
Mr Lam Chun Hoi, Wilkie]
Mr Ng Siu Lung]

Presentation and Question Sessions

8. The Chairman extended a welcome and explained the procedures of the meeting. He then invited PlanD's representatives to brief Members on the background of the

application. With the aid of a PowerPoint presentation, Mr. Walter W.N. Kwong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background of the application;
- (b) the proposed rezoning application to facilitate a private columbarium development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) advised that the proposed columbarium use was in breach of the lease and the applicant’s proposal of widening an existing access road on government land (GL) would affect existing and planned public works. Also, it was not appropriate to impose the proposed operational management measures in the lease conditions as those measures were not enforceable under lease. The Commissioner for Transport (C for T) had reservation on the application in that the existing traffic flow during festive periods well exceeded the design capacity of Lo Wai Road. The traffic impact arising from the proposed development would further aggravate the traffic condition of the road. C for T also had reservation on the proposed traffic management measures. The Commissioner of Police (C of P) considered C for T’s comments vital in processing the application and traffic would continue to be a key concern. Other concerned 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 643 public comments were received, of which 622 supported and 7 objected and 14 comments provided views. The major supportive and objecting views were set out in paragraph 10 of the Paper. Also, the District Officer (Tsuen Wan) conveyed that some members of Tsuen Wan District Council (TWDC) and local communities of Lo Wai expressed concerns on the traffic impact arising from the proposed development and

requested the Government to conduct a comprehensive review on the traffic condition of Lo Wai and to improve the traffic infrastructure; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The application site (the Site) located in the midst of the temple/monastery cluster at the Fu Yung Shan foothill and the proposed columbarium use might not be totally incompatible with the surrounding land uses. Nevertheless, the applicant had to demonstrate that the rezoning proposal was acceptable in all aspects. Having regard to the comments of DLO/TW&KT, C for T and C of P, the applicant failed to demonstrate that the proposed traffic management measures were practical, implementable and enforceable. Some TWDC members also raised concerns on the traffic problem of Lo Wai Road. Given that the traffic issues were yet to be resolved, approval of the application to rezone the Site to “Government, Institution or Community (10)” (“G/IC(10)”) for columbarium use would set an undesirable precedent for similar application and cumulative impact of which would result in overstraining the traffic capacity and causing adverse traffic problem to the area.

[Dr Wilton W.T. Fok, Mr Dominic K.K. Lam, and Dr Frankie W.C. Yeung arrived to join the meeting at this point.]

9. The Chairman then invited the applicant's representatives to elaborate on the application. Mr Lam Chun Hoi, Mr Chan Tung Ngok and Mr Chan Kim On made the following main points with the aid of a PowerPoint presentation:

Scale of Proposed Development and Compatibility

- (a) the planning of the proposed columbarium development commenced in 2010. In the past seven years, the applicant had submitted a number of rezoning applications together with technical assessments and actively responded to departmental comments and concerns on the proposed columbarium development. To minimize potential nuisance and impacts

on the surroundings, the proposed number of niches had been decreased from 12,000 under the first application to 3,000 under the current rezoning application. The current indicative scheme had gained supports from the local community and two TWDC members. Also, there was a large number of public comments supporting the application;

- (b) in response to PlanD's comments in paragraph 11.2 of the Paper, the applicant confirmed that the existing columbarium building on the Site would be redeveloped with the same building bulk, should the current application be approved;
- (c) there were about 41 temples and monasteries in Fu Yung Shan downhill and many of which were associated with columbarium use. PlanD already indicated that the proposed columbarium use might not be totally incompatible with the surrounding uses as stated in paragraph 11.3 of the Paper;
- (d) the proposed columbarium development of 3,000 niches was not incompatible with the surrounding area and was supported by the local community. The additional traffic flow generated by the proposed development during festive periods was not significant and there was keen demand for columbarium facilities in the territory. In addition, the tolerance of the public towards traffic congestion over the festive periods should be taken into account. In the applicant's rezoning proposal for "G/IC(10)" zone, a section 16 planning application would still be required, if the current rezoning application was approved, so as to allow the Committee to scrutinise the details of the proposed development;

Insignificant Traffic Impact and Responses to C for T's Comments

- (e) there were currently about 60,000 niches located along Lo Wai Road. Upon completion of the extension of Yuen Yuen Institution (YYI), there would be an additional 20,000 niches, totalling about 80,000 niches in the area. Having considered the proposed columbarium development with

only 3,000 niches and the lead time for gradual occupation of those niches, the traffic impact arising from proposed development would be insignificant. Besides, YYI had deployed shuttle bus for transporting visitors from the downhill of Lo Wai Road to YYI and the site photos taken in the last Chung Yeung Festival showed that the traffic condition of Lo Wai Road had been significantly improved. Though the effectiveness of YYI's shuttle bus arrangement might be still under TD's review, the applicant doubted whether such improvement measures had been taken into account by concerned departments;

- (f) C for T only had reservation on but not raising objection to the application. The applicant's traffic consultant had conducted traffic surveys during the festive periods in 2015 and 2016 and carried out a traffic impact assessment (TIA) to support the application. According to their observations in the traffic surveys, traffic condition of Lo Wai Road had been gradually improved with the efforts of TD and the Hong Kong Police Force (HKPF) implementing new temporary traffic management measures during Chung Yeung Festival in 2016;
- (g) a sensitivity test was conducted but yet to be submitted to the Committee for consideration due to time constraint. It could be submitted at section 16 planning application stage, if the current rezoning application was approved. Nonetheless, the sensitivity test was considered not necessary due to the insignificant traffic impact arising from the proposed development;

Shuttle Bus Arrangement

- (h) the proposed mandatory shuttle bus arrangement had made reference to similar services provided by YYI. The shuttle bus arrangement would be made available to all visitors and details of shuttle bus service would be available on the website for visitors' reference. The mandatory shuttle bus arrangement would be stipulated on the agreement for sale and purchase to be signed by the niche buyers. C for T's comments on the

proposed traffic management measures were subjective and based on the assumption that the mandatory shuttle bus arrangement, which would be compulsory to all buyers and visitors, would not be enforced;

- (i) compared with the walking distance to Wo Hop Shek and Tseung Kwan O Cemeteries, which took more than 30 minutes, the 800m walking distance from MTR stations to the proposed pick-up/drop-off point for the shuttle bus to the proposed columbarium partly via covered walkways was more comfortable. The visitors might have greater patience to walk a longer distance because of the festival reasons and Chinese custom. Also, there were retail shops and eating places along the route providing convenient services to visitors. As such, the applicant considered TD's comment on identifying other proposed pick-up/drop-off point within 500m walking distance from MTR stations was too rigid and did not take into account the walking environment; and

- (j) if repeated non-compliance with the mandatory shuttle bus arrangement by the buyers/visitors was found, the applicant might request the removal of the deceased ancestor's ashes from the proposed columbarium. Also, if the applicant was found not to implement those traffic management measures during festive periods, the planning permission to be granted could be revoked by the Board. It was similar to the approval conditions (c), (e) and (m) imposed to planning permission of application No. A/KC/437 in Kwai Chung. Besides, with reference to the legal advice on application No. A/TM/398 in Tuen Mun, the Board could specify that the planning permission would not lapse upon the completion of the proposed development, approval conditions stipulated would remain effective and non-compliance with the approval conditions would result in revocation of the planning permission. These two applications demonstrated that there were precedent cases to ensure compliance of approval conditions, and the proposed traffic management measures were practical, implementable and enforceable subject to the imposition of approval conditions.

10. Mr Cheung Kin Chung, Residents Representative (RR) of Lo Wai made the followings main points:

- (a) Wing Shing Yuen (the existing occupier of the Site) had provided various supports to Lo Wai Village and the local communities, for example providing niches free of charge to the deceased residents and reserving niches to those with financial difficulties; and
- (b) since traffic congestion at Lo Wai Road only occurred few days during the festive periods, the villagers were used to the situation in the past years and expressed understanding in recognition of the Chinese custom. Besides, with the efforts of TD and HKPF implementing temporary traffic management measures, the traffic condition of Lo Wai Road had been improved. Therefore, the villagers generally supported the rezoning application.

11. As the presentation from PlanD's representative and the applicant's representatives had been completed, the Chairman invited questions from Members.

12. A Member enquired the history of land use zoning of the Site and the status of the existing building and asked whether professionals had been engaged for converting the existing building into columbarium use. In response, Mr Lawrence Y.C. Chau, DPO/TWK, with reference to the aerial photos taken in 1964, 2003 and 2016, said that there was a structure erected on the Site at the same footprint of the existing columbarium building before 1964 and the whole Site had been zoned to "Green Belt" ("GB") since 2003. The conversion of existing building for columbarium use was an unauthorised building works subject to enforcement action by the Building Authority. Mr Chan Kim On, the applicant's representative, confirmed that no professional had been engaged for the conversion and renovation works of the existing building into columbarium use.

13. Some Members raised the following questions on traffic aspect and the proposed traffic management measures:

- (a) given that the traffic impact arising from YYI Extension (YYIE) was

considered acceptable, why the proposed development of only 3,000 niches would result in adverse traffic impact;

- (b) comments from TD in respect of the applicant's claim that the potential traffic impact generated by the proposed development was insignificant and whether the completion of YYIE and improvement in traffic condition of Lo Wai Road would affect the TD's assessment on the current application;
- (c) if there were any measures, other than stipulating the mandatory shuttle bus arrangement on agreement for sale and purchase, to ensure the effective implementation of the proposed traffic management measures;
- (d) assuming that the mandatory shuttle bus arrangement could be effectively implemented, whether the road capacity of Lo Wai Road could accommodate the additional traffic flow arising from the proposed development;
- (e) if the same approval conditions as the precedent cases quoted by the applicant on the requirements of traffic management measures were imposed on the proposed columbarium development, whether the traffic impact arising from the proposed development could be mitigated;
- (f) whether the traffic to YYI would pass through the Site; and
- (g) when the site photos of Lo Wai Road were taken by the applicant's representative.

14. Mr Lawrence Y.C. Chau, DPO/TWK, Mr Michael K.W. Cheung, E/TW(2), and Mr Tim C.C. Kam, E/TW(1), made the following responses:

- (a) as reflected in the submitted TIA, the existing traffic conditions of Lo Wai Road had already been subject to serious congestion during festive periods. The proposed columbarium development would further aggravate the poor traffic conditions;

- (b) based on the TIA report submitted by the applicant, with the timely completion of YYIE and the effective implementation of mandatory shuttle bus arrangement, the volume-to-capacity (V/C) ratio of lower and upper sections of Lo Wai Road would be 1.09 and 1.16 respectively, which would be subject to a manageable degree of congestion;
- (c) nonetheless, the existing V/C ratio of lower and upper sections of Lo Wai Road was 1.38 and 1.78 respectively, which were considered as serious congestion. Therefore, without YYIE, the traffic to be generated by the proposed development would aggravate the already serious traffic congestion. Despite the fact that the V/C ratio would decrease to a range of 1.06 and 1.13 upon the completion of YYIE without the proposed development, under the scenario of having the proposed development and mandatory shuttle bus arrangement not being implemented, it would result in a serious traffic congestion at Lo Wai Road;
- (d) according to the approved scheme of YYIE, pick-up/drop-off points for shuttle bus and taxi and a number of coach parking spaces would be provided within the site of YYIE in order to minimise vehicle queuing outside the YYIE along Lo Wai Road. In addition, an internal access road within YYIE would allow sufficient space for vehicle queuing to avoid tailbacks;
- (e) during the Chung Yeung Festival Period in 2016, a voluntary and temporary traffic management measure for allowing taxis drop-off/pick-up within YYI was implemented by YYI. Subject to the agreement of YYI, the same measure might continue to be implemented in the coming festive periods. TD and HKPF would continuously review its effectiveness;
- (f) if the proposed mandatory shuttle bus arrangement were not effectively implemented, the proposed development would have adverse traffic impact regardless of the completion of YYIE. As such, TD still maintained reservation on the application; and

- (g) the proposed columbarium development was connected to Lo Wai Road at a lower position than YYI and its extension. Hence, traffic flow to and from YYI and its extension would pass the section of Lo Wai Road outside the Site.

15. In response, Mr Lam Chun Hoi and Mr Chan Tung Ngok made the following main points:

- (a) the TIA was based on the assumptions of worst case scenario, i.e. full occupation of 3,000 niches and traffic flow of peak hours during festive periods, and existing traffic conditions. Since traffic congestion of Lo Wai Road was mainly caused by the traffic flow generated by YYI, it was expected that the existing traffic condition might be improved upon the completion of YYIE and the implementation of its associated traffic management measures. An updated TIA could be provided upon request to reflect the latest situation of Lo Wai Road and to demonstrate the effectiveness of the proposed traffic management measures as well as insignificant traffic impact arising from the proposed development;
- (b) the difference in V/C ratio between the existing situation and the scenario with proposed development and mandatory shuttle bus arrangement was insignificant. Upon the completion of YYIE, the V/C ratio would be further improved to less than 1.2; and
- (c) as for the site photos taken by the applicant's traffic consultant, it was confirmed that they were taken at around 1:00 p.m. on Chung Yeung Festival in October 2016.

16. Some Members raised the following questions:

- (a) noting that a number of neighbouring temples or monasteries were zoned "G/IC", what the reasons were for zoning the Site as "GB";

- (b) what factors should be taken into account in assessing a section 12A rezoning application and whether the applications as quoted by the applicant's representatives were section 12A rezoning applications or section 16 planning applications;
- (c) whether the application had gained the support from other organisations in the district or surrounding developments such as YYI;
- (d) the time the existing building on site started to store human ashes and the number of niches currently being occupied; and
- (e) the site and its surroundings of planning application No. A/KC/437.

17. Mr Lawrence Y.C. Chau made the following responses:

- (a) under the land use review conducted in 2003, the long-established religious institutions and elderly homes in the area were rezoned to "G/IC" to reflect their existing and committed uses. The remaining area, including the eastern part of the Site which was neither religious institutions nor any GIC use, was rezoned to "GB"; and
- (b) key considerations in assessing section 12A rezoning application included land use compatibility of the proposed use and whether there would be any insurmountable problems on traffic, environmental and infrastructural aspects. The quoted applications No. A/KC/437 and A/TM/398 were both section 16 applications, which contained a detailed scheme of the proposed columbarium developments and technical assessments were provided to demonstrate no adverse impact on all aspects. The two applications were approved with conditions by the Committee and by the Board on review respectively.

18. In response, Mr Chan Kim On made the following main points:

- (a) application No. A/KC/437 was subject to a previously approved section

12A application No. Y/KC/3 to rezone the application site from “Industrial” to “Other Specified Uses” annotated “Columbarium” use. The applicant wished to draw Members’ attention that the Committee could approve the current rezoning application and scrutinise the detailed development proposal during the section 16 planning application stage by imposing approval condition to ensure minimal traffic impact generated by the proposed development. The site of application No. A/KC/437 was in close proximity to a cemetery. Similarly, the current application was surrounded by temples and monasteries and PlanD considered the proposed columbarium use was not totally incompatible with the surroundings;

- (b) Yuen Yuen Care & Attention Home for the Aged, which was located to the north of the Site, indicated no comment on the application. The applicant had liaised with YYI and Western Monastery on the feasibility of centralised shuttle bus arrangement, but both YYI and Western Monastery were not interested; and
- (c) the columbarium use commenced in 2010 and currently 187 niches were sold, of which 107 were occupied.

19. A Member raised the following questions:

- (a) the relationship of the Private Columbarium Bill (the Bill) and the current rezoning application;
- (b) the distribution of columbarium facilities in the territory, in particular whether these facilities were concentrated in Tsuen Wan district;
- (c) any information of the small-scale columbarium associated with the temples and monasteries in the area and whether their operations were in compliance with the relevant regulations;
- (d) noting that most columbaria in the area were associated with temples or monasteries, whether Wing Shing Yuen had any religious background and

would organise religious activities; and

- (e) whether Lo Wai Village was a recognized village and the reasons for Wing Shing Yuen proposing to reserve niches for villagers as there should be burial grounds reserved for the indigenous villagers.

20. Mr Lawrence Y.C. Chau made the following responses:

- (a) the Bill was re-introduced into the Legislative Council on 23.11.2016 and yet to be passed. A licensing regime was proposed under the Bill to regulate the operation of private columbarium;
- (b) although no information was currently available on the distribution of columbarium facilities in the territory, there were a number of columbarium facilities located in Tsuen Wan District, including those along Lo Wai Road. Some planning applications for columbarium use in Kwai Tsing District were considered by the Committee, including application No. A/KC/437 quoted above, but not all of those applications were approved. Moreover, each rezoning or planning application should be considered on its own individual merits; and
- (c) besides YYI and Western Monastery, there was also a number of temples and monasteries operating columbaria with smaller scale. With reference to Plan Z-12 of the Paper, apart from YYI which was listed as a Part A Private Columbarium, other columbaria were Part B Private Columbaria, which were not in compliance with the land leases and/or statutory town planning requirements.

21. Mr Chan Kim On and Mr Cheung Kin Chung made the following responses:

- (a) although Wing Shing Yuen had Buddhism background, no religious activities would be held at the Site; and
- (b) Lo Wai Village was a recognized village and indigenous villagers had their

own burial grounds. Since about half of the residents in Lo Wai Village were not indigenous villagers, Wing Shing Yuen proposed to reserve niches to those with financial difficulty.

22. A Member asked whether there was any validity period imposed on the planning permission of YYIE and the occupancy rate of the 50,000 niches in YYI. In response, Mr Lawrence Y.C. Chau said that the general building plan of YYIE had been approved by the Building Authority, which constituted a commencement of development while land exchange to facilitate the extension was under processing. As for the occupancy rate of YYI, he had no information in hand, but the existing columbarium in YYI had been in use for quite some time.

23. Noting that an approval condition on pedestrian and vehicular arrangement was imposed in the planning permission of YYIE, the traffic condition of Lo Wai Road had been improved with YYI's temporary traffic management measures and that the traffic impact of the proposed development with the implementation of proposed traffic mitigation measures might not be significant, a Member asked whether the traffic impact of the proposed development would pose an insurmountable problem and whether approval condition could be imposed to ensure the effective implementation of the proposed measures.

24. In response, Mr Lawrence Y.C. Chau said that the proposed mandatory shuttle bus arrangement was an untried measure and C for T considered that it was impractical to impose compulsorily requirement for all visitors to take shuttle bus for arriving and leaving the Site. With reference to application No. A/KC/437, although an approval condition on the provision of shuttle bus services was imposed, that was not a compulsory arrangement for all visitors. Instead, visitors could take other public transportations, such as MTR, or walk to the application site. Having considered the above, the scenario without mandatory shuttle bus arrangement should be adopted in assessing the traffic impact of the proposed development to demonstrate that serious traffic congestion in Lo Wai Road would not be resulted. The insurmountable traffic impact was a key concern in assessing the rezoning application and the traffic issue was yet to be resolved by the applicant at the moment.

25. A Member asked whether Yuen Yuen Home for the Aged and Yuen Yuen Care & Attention Home for the Aged both located to the north of the Site were providing day care

services or overnight accommodations to the elderly and whether the proposed development would affect the emergency services to those social welfare facilities. In response, Mr Lawrence Y.C. Chau said that both facilities provided overnight accommodations to the elderly with different needs and levels of care, and vehicular access for emergency services should be provided.

26. In response to the Chairman's enquiry, Mr Chan Kim On and Mr Lin Kwang Jung, the applicant's representative, said that the existing building was a village house in 2003, and Wing Shing Yeun was not a member of the Chinese Temples Committee.

27. As the applicant's representatives had no further points to raise and there were no further questions from the Members, 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 them of the Committee's decision in due course. The Chairman thanked the representatives from PlanD and TD and the applicant's representatives for attending the meeting. They left the meeting at this point.

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

Deliberation Session

28. The Chairman remarked that the application was a section 12A application to rezone the Site from "GB" to "G/IC(10)". According to the applicant's proposal, 'Columbarium' use was under Column 2 in "G/IC(10)" zone.

29. A Member was of the view that rejecting the application on the grounds of insurmountable traffic impact might not be justified given that the traffic condition of Lo Wai Road might be improved upon completion of YYIE and the feasibility and details of the proposed traffic management measures could be further assessed at section 16 planning application stage.

30. Another Member was sympathetic on the considerations that there was keen demand for columbarium facilities in the territory, the proposed development was considered not incompatible with surrounding land uses and there was no strong public objection against

the application. Even though the traffic issue was yet to be resolved, the Member recalled the findings of a study on columbarium development that traffic issue was not of the top public concerns. Also, there was a notable change in the traditional custom of ancestor worship in recent years such as sweeping graves earlier or after festive periods and only in Ching Ming Festival. The actual traffic impact might not be as worse as that predicted in the TIA and the public might have greater tolerance towards traffic congestion during festive periods. Therefore, it might not be justified to regard the traffic impact as insurmountable. The Member also had reservation on the rejection reason of setting an undesirable precedent as the current rezoning proposal was acceptable from land use planning point of view and with local support.

31. The Vice-chairman and some other Members did not support the application and were of the following views:

- (a) though the Site and its surroundings might be suitable for columbarium developments from land use perspective, there were quite a number of Part B Private Columbaria along Lo Wai Road and approval of the current application would set a precedent for those columbaria. Due consideration should be given to the cumulative impact arising from the proposed development and its precedent effect;
- (b) YYIE was approved on the consideration of the traffic improvement brought to the area under the proposal. Also, that application did not have mandatory transportation arrangement for the visitors. Road capacity of Lo Wai Road and the surrounding road network were currently limited and should be improved first to ensure that there was sufficient capacity to address the future traffic demand. Even with the completion of YYIE, the V/C ratio of Lo Wai Road would still exceed 1, which meant exceeding the road design capacity. Despite the fact that the traffic impact arising from the proposed development might not be significant, the cumulative impact of the proposed development and other columbaria in the area would overstrain the traffic capacity. The applicant failed to demonstrate that the rezoning proposal would not result in adverse traffic impact;

- (c) it was not the sole responsibility for the operators of columbaria, but also the relevant departments, to address the traffic issue of Lo Wai Road in view of a number of columbaria located in that area. The applicant might resubmit the rezoning application after the traffic conditions of Lo Wai Road had been significantly improved with the completion of YYIE;
- (d) there was demand for columbarium facilities in the territory and only limited locations were suitable for such use. However, the applicant had not provided strong justification in support of the application. Besides, the Site had been converted into columbarium use prior to the application and the columbarium would probably be operated on a commercial basis. There was no planning or other merit to support the approval of the application;
- (e) noting that a number of columbarium developments were located in Fu Yung Shan foothill, the Government should conduct a comprehensive review of the use in the area and consider whether infrastructure could be improved to facilitate such developments;
- (f) in case of future non-compliance with mandatory shuttle bus arrangement, it would be impractical and disrespectful to remove the deceased ancestors' ashes from the columbarium. Besides, the applicant had failed to provide details of implementation of the mandatory shuttle bus arrangement and to address C for T's comments; and
- (g) although the TIA had covered the worst case scenario, there was no information on the traffic flow on non-festive periods. The TIA should cover a wider scope of traffic impact assessment.

32. With regard to C for T's reservation on the application, Mr Wilson W.S. Pang, the Assistant Commissioner for Transport(Urban), TD explained that details on the implementation of the proposed mandatory shuttle bus services provided by the applicant were insufficient to demonstrate the feasibility of such arrangement. There was also technical difficulty in increasing the traffic capacity of Lo Wai Road. They were essential

for his department to assess the feasibility of the proposed traffic management measures and the potential traffic impact.

33. Given that Members generally of the view that the area of Fu Yung Shan foothill was suitable for columbarium developments, some Members suggested that the relevant departments should address the traffic issue or increase the road capacity of the area and explore the possibility for some suitable government sites for columbarium development in the area. The Committee noted that the Government had already taken actions to identify suitable sites in 18 districts for developing public columbaria.

34. The Chairman concluded and Members agreed that the current application would set an undesirable precedent for similar applications for columbarium development along Lo Wai Road, and the applicant failed to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas.

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

- “(a) the applicant fails to demonstrate that the proposed traffic management measures are practical, implementable and enforceable and the proposed columbarium development would not have adverse traffic impact on the surrounding area; and
- (b) the approval of the application would set an undesirable precedent for similar application, and the cumulative impacts of which would result in overstraining the traffic capacity and causing adverse traffic problem to the area.”

Hong Kong District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/H10/9 Application for Amendment to the Approved Pok Fu Lam Outline Zoning Plan No. S/H10/15, To rezone the application site from "Residential (Group B)" to "Other Specified Uses" annotated "Eco-heritage Park", Government Land to the east of Chi Fu Fa Yuen, Pok Fu Lam, Hong Kong
(MPC Paper No. Y/H10/9A)

36. The Committee noted that the applicant requested on 8.2.2017 deferment of the consideration of the application for two months in order to allow time to finish compiling the supplementary materials. It was the second time that the applicant requested deferment. Since the last deferment, the applicant was preparing additional information to address departmental comments. As more time was required to prepare the submission due to the long holidays, the applicant requested deferment for another two months.

37. 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 three 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 further information. Since it was the second deferment and a total of four months had been allowed for preparation of the submission of further information, no further deferment would be granted under very special circumstances.

Tsuen Wan and West Kowloon District

Agenda Item 5

Section 16 Application

[Open Meeting]

A/TW/485 Proposed Shop and Services in "Industrial" Zone, G/F Workshop, No.8
Fui Yiu Kok Street, Tsuen Wan, New Territories
(MPC Paper No. A/TW/485)

38. The Committee noted that the applicant requested on 27.1.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

39. 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 further information, and no further deferment would be granted unless under very special circumstances.

[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/K2/216 Proposed Commercial Bathhouse/Massage Establishment in
"Commercial" Zone, 2/F (Portion) and 3/F (Portion), Medilink Square,
Bell House, Nos. 525-543A Nathan Road, Yau Ma Tei, Kowloon
(MPC Paper No. A/K2/216A)

Presentation and Question Sessions

40. 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 commercial bathhouse/massage establishment;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Consulted 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 44 public comments were received, comprising 33 objecting comments and comments expressing concerns and 11 supportive comments. Major supporting and objecting views were set out in paragraph 10 of the Paper; 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 proposed use did not contravene the planning intention of "Commercial" ("C") zone and complied with the Town Planning Board Guidelines No. 14B (TPB PG-No. 14B) in that it was not incompatible with the surrounding developments, the subject premises were located within the non-domestic portion of an existing composite building, namely Bell House,

and separate access management had been proposed. Consulted departments had no objection to or no adverse comment on the application and relevant licenses might be required for the proposed use. Approval conditions on the requirements for separate access management and fire service installations were recommended to address security and fire safety concerns and there were similar applications approved by the Committee. Regarding the objecting public comments, the departmental comments and assessments above were relevant.

41. Some Members raised questions on the follow aspects:

- (a) background of the applicant and operation details of the proposed development;
- (b) noting that a majority of public comments objected to the application, whether the respective District Council (DC) had been consulted on the application;
- (c) any similar applications approved and whether similar approval conditions were imposed;
- (d) the situation of bathhouses/massage establishments in the district; and
- (e) any comments from the Owners' Corporation (OC) of Bell House.

42. Ms Michelle M.S. Yuen, STP/TWK, made the following responses:

- (a) according to the information submitted, only the name of the applicant and the authorised agent as well as relevant information in support of the application, such as proposed layout plans, were provided. No information on the background of the applicant and the details of operation of the proposed use were included in the application;
- (b) although the application had not been submitted to the DC for consultation,

PlanD had conducted public consultation, including publication of the planning application for public inspection, publishing a notice in local newspapers, posting site notices in a prominent position near the site, and seeking comments from the relevant District Office on local views during the statutory publication period;

- (c) with reference to Appendix II of the Paper, there were a total of 11 similar applications, of which 10 were approved and one was rejected by the Committee. The main reasons for rejecting the application were due to no separate access to the subject premises and potential nuisance to other occupants of the building. For those approved similar applications located in commercial developments, they were approved mainly on the consideration that the applied use was not incompatible with other uses in the same commercial building, while for those in composite developments, they were approved for the reasons that separate access was available and the premises were separated from the domestic portion. Those approved applications also generally complied with other assessment criteria set out in TPB PG-No. 14B. Approval condition on the requirement of fire service installations was imposed on a similar application;
- (d) if the application was approved by the Committee, the applicant would still be required to apply for license from the relevant licensing authorities under the respective regulations; and
- (e) with reference to Appendix IV of the Paper, the OC of Bell House submitted two comments during the statutory publication period, raising objection to the application mainly for the reasons of security and safety concerns, decreasing property value and difficult property management, as well as concerns on fire safety and building structures.

Deliberation Session

43. Some Members had reservation on the application and were of the following views:

- (a) a lengthy process would be required to revoke the operation licenses for commercial bathhouse or massage establishment use, if any illegal activity was involved. Therefore, those uses might continue to create nuisance and safety issue to the local community;
- (b) there was insufficient information on the operation of proposed use and the background of applicant. Besides, the respective DC should be consulted to solicit their comments on the application in view of the large number of objecting public comments received;
- (c) the OC of Bell House raised objection to the application. Approval of the application might create conflict between the operator and users of the proposed development and other occupants of the subject building; and
- (d) property management of the subject building had been improved in recent years. Approval of the application would create difficulty in property management of the building.

44. Regarding the need to consult respective DC, the Secretary explained that under the current practices, public consultation on planning applications comprised both statutory requirements and administrative measures. The statutory requirements included publication of the application for three weeks for public inspection, publishing a notice in local newspapers and posting site notice. As an administrative measure, a notice informing the availability of the application for public inspection would be sent to the DC Member(s) of respective constituency to facilitate local consultation as well as the OC(s) or management agent of the buildings within 100 feet of the site. The Chairman supplemented that all section 16 planning applications would be subject to the statutory time limit of 2 months for processing, including 3 weeks for public inspection. It would not be practicable for submission of the applications to DC for consultation. The applicant could present the application at DC upon request or be advised to liaise with the OC and residents of the subject building to address their concerns.

45. Some other Members considered no strong reason to reject the application and

had the following views:

- (a) there was no strong planning ground to reject the application given that it generally complied with TPB PG-No. 14B and was not incompatible with the surrounding uses, similar applications were approved by the Committee and there was no material change in planning circumstances;
- (b) an approval condition to ensure that the proposed access would be separated from the domestic portion of the building had been recommended to address the public concerns on security and safety aspects;
- (c) the concern that illegal and immoral activities might probably be involved in daily operation of the proposed development should be addressed and handled by the licensing authorities and was not a planning ground to reject the application; and
- (d) despite a large number of objecting public comments, the objecting grounds raised could be addressed by the recommended approval conditions or should be handled at the license application stage.

46. With reference to the assessment criteria set out in TPB PG-No. 14B and noting the objection raised by the OC of Bell House, a Member enquired whether an approval condition on requiring the applicant to obtain agreement/consent from the OC of Bell House before commencing operation could be imposed. Besides, the same Member and another Member asked whether the licensing authorities would consult DC during the processing of license applications.

47. In response to the Chairman's enquiry, Mr Martin W.C. Kwan, the Chief Engineer (Works) of the Home Affairs Department, said that the DC had not been consulted on the application. In spite of the large number of objecting comments received, the Vice-chairman reminded that the grounds and concerns of the objecting comments should be key consideration in assessing the application. The Committee also noted that it was inappropriate to impose approval condition to request the applicant seeking third parties' consent on the application before commencing operation.

48. In response to a Member's enquiry, the Secretary reported that 'Commercial Bathhouse/Massage Establishment' use was generally a Column 1 use in the "C" zone. Given that a number of composite developments along Nathan Road were zoned "C", 'Commercial Bathhouse/Massage Establishment' was a Column 2 use in the "C" zone on the Tsim Sha Tsui, Yau Ma Tei and Mong Kok Outline Zoning Plans, in order to monitor such uses in composite developments and to ensure minimal nuisance to other occupants of the domestic portion or neighbouring residential use.

49. The Committee noted that the objecting grounds of public comments mainly comprised security and safety concerns caused by possible illegal and immoral activities, decreasing of property value, incompatibility with the existing commercial and residential uses, and fire safety and building structure concerns. As for the security and safety concerns, an approval condition on the provision of security alarm system and separate access arrangement to prevent unauthorised access to the residential floors was recommended. The fire safety and building structure concerns would also be addressed by a recommended approval condition on the provision fire service installations and monitoring by relevant departments at building plan submission stage. In the planning assessment, it was considered that the proposed use was not incompatible with the surrounding developments/uses as it was located in the non-domestic portion of the building. To address some Members' concerns, the Chairman proposed to add an advisory clause to advise the applicant to address the concerns raised by the OC of Bell House before commencing operation.

50. With regard to the strong public objection against the application, some Members proposed a shorter commencement period or a temporary planning permission could be granted for the application to closely monitor the operation of the proposed use. The Committee noted that the commencement period of a planning permission for permanent development was generally four years and considered a temporary planning permission might be more appropriate. Having considered the scale of the proposed use, the Committee agreed that temporary permission for a period of five years would be reasonable from financial viability point of view, and that the approval conditions as recommended in the Paper should be complied with before the operation of the applied use.

51. A Member suggested that for planning application for ‘Commercial Bathhouse/Massage Establishment’ use of considerable floor area, the DC’s comments should be solicited. In response, the Chairman said that a notice would be sent to the DC member of respective constituency and PlanD would also seek comment from the relevant District Officer. The respective DC could request the applicant to give presentation on the application at DC meeting, if considered necessary. However, it would be difficult to require consultation with DC as a pre-requisite due to the statutory time limits for processing the planning application.

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of five years until 17.2.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the provision of security alarm system and separate access arrangement, as proposed by the applicant, before the operation of the applied use to prevent unauthorised access to the residential floors of the subject building, to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire services installations and water supplies for firefighting before the operation of the applied use to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) if any of the above planning conditions (a) and (b) is not complied with before the operation of the applied use, the approval hereby given should cease to have effect and should on the same date be revoked immediately without further notice.”

53. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper in addition to the following clause:

“to address the concerns of the Owners’ Corporation of Bell House before commencing operation.”

[The Chairman thanked Ms Michelle M.S. Yuen, STP/TWK, for her attendance to answer Members' enquiries. Mr Sunny L.K. Ho, Dr Wilton W.T. Fok, Mr Thomas O.S Ho and Ms Michelle M.S. Yuen left the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting]

A/K20/127 Proposed 'Flat', 'Office', 'Social Welfare Facilities' (Special Child Care Centre cum Early Education and Training Centre), 'Shop and Services' and 'Eating Place' in "Residential (Group A) 3" zone, 875-877 Lai Chi Kok Road and Adjoining Government Land, Kowloon
(MPC Paper No. A/K20/127A)

54. The Secretary reported that Kenneth To & Associates Limited (KTA) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared interest on the item as he had current business dealings with KTA. The Committee noted that Mr Patrick H.T. Lau had tendered apology for being unable to attend the meeting.

55. The Committee noted that the applicant requested on 9.2.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the technical comments and the concerns raised by the public. It was the second time that the applicant requested deferment of the application.

56. 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 further information. Since it was the second deferment and a total of four months had been allowed for preparation of the submission of further information, no further deferment would be

granted unless under very special circumstances.

[Miss Jessica K.T. Lee, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting and Mr Dominic K.K. Lam, Mr Stephen H.B. Yau and Mr K.K. Cheung left the meeting at this point.]

Hong Kong District

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/270 Proposed Shop and Services in "Other Specified Uses" annotated
"Business(1)" Zone, Factory A, G/F, Kwai Bo Industrial Building, 40
Wong Chuk Hang Road, Wong Chuk Hang, Hong Kong
(MPC Paper No. A/H15/270)

57. The Secretary reported that the application was submitted by Bank of China (Hong Kong) Limited (BOCHK). Llewelyn-Davies Hong Kong Limited (LD) was the consultant of the applicant. The following Members had declared interests on the item:

- | | |
|---------------------|---------------------------------------------------------|
| Mr K.K. Cheung | - his firm having current business dealings with BOCHK; |
| Mr Patrick H.T. Lau | - having current business dealings with LD; and |
| Dr Wilton W.T. Fok | - co-owning a flat with his spouse in Ap Lei Chau. |

58. The Committee noted that Mr Patrick H.T. Lau had tendered apology for being unable to attend the meeting and Dr Wilton W.T. Fok and Mr K.K. Cheung had already left the meeting.

Presentation and Question Sessions

59. With the aid of a PowerPoint presentation, Miss Jessica K.T. Lee, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Consulted 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 Incorporated Owners of Kwai Bo Industrial Building was received. The major objection grounds were set out in paragraph 10 of the Paper; 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 proposed use was generally in line with the planning intention of “Other Specified Uses” annotated “Business” zone and not incompatible with other uses of the subject industrial building. The subject premises were separated from the main entrance of the lift lobby of upper floors and the aggregate commercial floor area would be within the maximum permissible limit of 460m². The proposed use would unlikely induce adverse traffic, environment or fire safety impacts. To address Director of Fire Services’ concerns, an approval condition on the requirements of fire service installations and means of escape was recommended. Regarding the objecting public comment, the assessments above were relevant.

60. Members had no question on the application.

Deliberation Session

61. 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 17.2.2019, 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 the proposal for fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the premises, before the operation of the applied use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition is not complied with before the operation of the applied use, the approval hereby given should cease to have effect and should on the same date be revoked immediately without further notice.”

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

[The Chairman thanked Miss Jessica K.T. Lee, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H17/137 Proposed School (Tutorial School) in "Residential (Group B)" Zone,
Shops G106A and G107A, G/F, The Repulse Bay, 109 Repulse Bay
Road, Repulse Bay, Hong Kong

(MPC Paper No. A/H17/137)

62. The Committee noted that the applicant requested on 24.1.2017 deferment of the consideration of the application for one month in order to allow time for preparation of further information in response to the requirements of government departments. It was the

first time that the applicant requested deferment of the application.

63. 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. 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 agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. J.J. Austin, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/188 Office in "Industrial" Zone, Workshop 2, 8/F, Block A, Ming Pao
Industrial Centre, 18 Ka Yip Street, Chai Wan, Hong Kong
(MPC Paper No. A/H20/188)

64. The Secretary reported that the site was located in Chai Wan and the following Members had declared interests on the item:

Mr Sunny L.K. Ho - owning properties in Chai Wan; and

Mr Dominic K.K. Lam - being a director of a company which owned a
property in Chai Wan.

65. The Committee noted that Mr Sunny L.K. Ho and Mr Dominic K.K. Lam had already left the meeting.

Presentation and Question Sessions

66. With the aid of a PowerPoint presentation, Mr. J.J. Austin, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the office use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director-General of Trade and Industry (DG of TI) had no comment on the application if a temporary approval of a period of three years was imposed as it would not jeopardize the long term use of the premises for industrial related uses. The Chief Town Planner/Housing & Office Land Supply, Planning Department (CTP/HOLS, PlanD) advised that the 2014 Area Assessments of Industrial Land in the Territory (the 2014 Area Assessments) completed in August 2015 recommended to retain the “Industrial” zoning covering the Chai Wan Industrial Area. Other concerned departments had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) PlanD’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The application generally complied with the Town Planning Board Guidelines No. 25D (TPB PG-No. 25D) in that no office unit or suitable alternative accommodation could be found in the vicinity. Given its small scale and nature of operation, adverse fire safety and traffic impacts would not be induced. The applied use was not incompatible with the land use character of the subject building and its vicinity. A temporary approval of three years was recommended to monitor the supply and demand of industrial floor space in the area.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 17.2.2020, 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 safety measures including fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2017; and
- (b) if the above approval 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.”

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

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/H3/434 Proposed Hotel in "Residential (Group A) 8" Zone, 15-19 Third Street,
Sai Ying Pun, Hong Kong
(MPC Paper No. A/H3/434)

70. The Secretary reported that Lanbase Surveyors Limited (Lanbase) and Andrew

Lee King Fun & Associates Architects Limited (ALKF) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Patrick H.T. Lau - having past business dealings with Lanbase and ALFK;

Mr Franklin Yu - having past business dealings with ALKF; and

Mr Wilson W.S. Pang - owning properties in Sai Ying Pun.

71. The Committee noted that Mr Patrick H.T. Lau had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested deferment of consideration of the application and agreed that Mr Franklin Yu and Mr Wilson W.S. Pang could stay in the meeting as Mr Yu's interest was indirect and the properties of Mr Pang did not have a direct view of the site.

72. The Committee noted that the applicant requested on 18.1.2017 deferment of the consideration of the application for two months in order to allow time to response departmental comments. It was the first time that the applicant requested deferment of the application.

73. 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 further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/H5/407 Proposed Minor Relaxation of Building Height Restriction for Permitted Hotel Development in "Other Specified Uses" annotated "Mixed Use" Zone, 25 and 27 Morrison Hill Road, and 37 Bowrington Road, Wan Chai, Hong Kong
(MPC Paper No. A/H5/407)

74. The Secretary reported that Lanbase Surveyors Limited (Lanbase) was one of the consultants of the applicants. The following Members had declared interests on the item:

Mr Patrick H.T. Lau - having past business dealings with Lanbase; and

Mr Stephen H.B. Yau - his office locating in Wan Chai.

75. The Committee noted that Mr Patrick H.T. Lau had tendered apology for being unable to attend the meeting and Mr Stephen H.B. Yau had already left the meeting.

76. The Committee noted that the applicant requested on 26.1.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

77. 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 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 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/427 Proposed Eating Place in "Other Specified Uses" annotated "Pier" Zone,
Ground Floor (Part) and Upper Deck (Part), North Point (East) Ferry
Pier, North Point, Hong Kong
(MPC Paper No. A/H8/427)

78. The Secretary reported that the site was located in North Point and the following Members had declared interests on the item:

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|---------------------|---|--------------------------------------------------|
| Mr Stephen H.B. Yau |] | |
| | | owning a flat in North Point; and |
| Mr Thomas O.S. Ho |] | |
| Dr Wilton W.T. Fok | - | co-owning a flat with his spouse in North Point. |

79. The Committee noted that Mr Stephen H.B. Yau, Mr Thomas O.S. Ho and Dr Wilton W.T. Fok had already left the meeting.

Presentation and Question Sessions

80. 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 eating place;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Consulted departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two comments from an Eastern District Council member and an individual were received. Details of the public comments were set out in paragraph 9 of the Paper; 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 use was not incompatible with the pier use and would provide convenient service to ferry passengers and visitors and add vibrancy to the area. The Commissioner for Transport (C for T) supported the application as it would help generating non-fare box revenue to cross-subsidize the ferry operations and the proposed use would unlikely cause any obstruction to the passenger flow or affect ferry operation. Regarding the public concerns on business nature, environmental hygiene and potential traffic impact, the proposed eating place would be subject to licensing control by the Food and Environmental Hygiene Department and would not have adverse traffic impact at Java Road as temporary coach parking at Hoi Yu Street could accommodate the additional coaches generated by the proposed use.

81. In response to a Member's enquiry, Ms Irene W.S. Lai, STP/HK, said that there was no information in the application regarding the number of seats to be provided and according to the floor plans as shown in Drawing A-1 of the Paper, the floor area of the dining area was about 176m².

Deliberation Session

82. 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 17.2.2021, 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 water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

Kowloon District

Agenda Item 14

Section 16 Application

[Open Meeting]

A/K13/301 Proposed Vehicle Repair Workshop in "Other Specified Uses" annotated "Business (1)" Zone, Portion of G/F, 1/F, 2/F and 3/F, No. 7 Wang Mau Street, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/301)

84. The Secretary reported that the application was submitted by Pioneer Crest Limited, which was a subsidiary of Manhattan Holdings Limited (MHL). Lanbase Surveyors Limited (Lanbase) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Simon S.W. Wang - his spouse is an employee of MHL;

- Mr Patrick H.T. Lau - having current business dealings with MVA and past business dealings with Lanbase;
- Mr Thomas O.S. Ho - having current business dealings with MVA; and
- Mr Franklin Yu - having past business dealings with MVA.

85. The Committee noted that Mr Patrick H.T. Lau had tendered apology for being unable to attend the meeting and Mr Thomas O.S. Ho had already left the meeting. The Committee also noted that the applicant had requested deferment of consideration of the application and agreed that Mr Franklin Yu could stay in the meeting as his interest was indirect. Since the interest of Mr Simon S.W. Wang was direct, the Committee agreed that Mr Wang could stay in the meeting but should refrain from participating in the discussion.

86. The Committee noted that the applicant requested on 9.2.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Transport Department (TD). It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant submitted further information on 28.12.2016 in response to TD's comments.

87. 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 further information. Since it was the second deferment and a total of four months had been allowed for preparation of the submission of further information, 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.]

Agenda Items 15 to 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- A/K14/738 Proposed Shop and Services (Local Provisions Store) in "Other Specified Uses" annotated "Business" Zone, Unit A1 and Portion of Unit A2, G/F, Block I, Camelpaint Building, 62 Hoi Yuen Road, Kwun Tong, Kowloon
- A/K14/739 Proposed Shop and Services (2 Fast Food Counters) in "Other Specified Uses" annotated "Business" Zone, Portion of Unit A2, G/F, Block I, Camelpaint Building, 62 Hoi Yuen Road, Kwun Tong, Kowloon
- A/K14/740 Proposed Shop and Services (Money Exchange) in "Other Specified Uses" annotated "Business" Zone, Portion of Unit A2, G/F, Block I, Camelpaint Building, 62 Hoi Yuen Road, Kwun Tong, Kowloon
- A/K14/741 Proposed Shop and Services (Local Provisions Store) in "Other Specified Uses" annotated "Business" Zone, Portion of Unit A2, G/F, Block I, Camelpaint Building, 62 Hoi Yuen Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/738 to 741)
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88. The Committee noted that the four applications were similar in nature (Shop and Services) and the sites were located within the same building and the same "Other Specified Uses" annotated "Business" ("OU(B)") zone. The Committee agreed that the four applications would be considered together.

89. The Committee noted that one replacement page (page 12 of the Paper), rectifying the typographical error of the validity period of the planning permissions, had already dispatched to Members for reference.

90. The Secretary reported that Kenneth To & Associates Limited (KTA) was one of

the consultants of the applicants. Mr Patrick H.T. Lau had declared interest on the items as he had current business dealings with KTA. The Committee noted that Mr Patrick H.T. Lau had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed shop and services (local provisions store) each on the premises of application No. A/K14/738 and 741, the proposed shop and services (two fast food counters) on the premises of application No. A/K14/739 and the proposed shop and services (money exchange) on the premises of application No. A/K14/740;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) raised objection to application No. A/K14/740 in that the aggregate commercial floor area on ground floor of the subject industrial building would exceed 460m² if the application was approved and considered that 5% flexibility of the maximum permissible limit could not be applied since the aggregate commercial floor area before the consideration of the application had already exceeded the maximum limit of 460m². D of FS had no objection to other three applications as the applied uses (i.e. ‘local provisions store’ and ‘fast food counter’) would not be counted in the aggregated commercial floor area according to the Town Planning Board Guidelines No. 22D (TPB PG-No. 22D). Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications No. A/K14/738, A/K14/739 and A/K14/741, but did not support application No. A/K14/740 based on the assessments set out in paragraph 11 of the Paper and summarised below:

Applications No. A/K14/738, A/K14/739 and A/K14/741

- (i) the applied uses at the premises were generally in line with the planning intention of “OU(B)” zone, compatible with the changing land use character of the area and complied with TPB PG-No. 22D in that they would not induce adverse fire safety and environmental impacts on the subject industrial building and the adjacent areas. Since the limit on the aggregate commercial floor area was not applicable to the applied uses, D of FS had no objection to the applications. An approval condition was recommended to each of these applications to address D of FS's concern; and

Application No. A/K14/740

- (ii) although the proposed money exchange use was generally in line with the planning intention of “OU(B)” zone and compatible with the changing land use characters of the area, it did not comply with TPB PG-No. 22D in that it would induce adverse fire safety impact on the subject industrial building as well as the adjacent areas and that D of FS did not support the application as the existing total floor area for commercial use approved on the ground floor of the subject industrial building was already 469.84m². Should the current application be approved, the total approved commercial floor area on the ground floor would increase to about 477.84m², which would further exceed the maximum permissible limit as set out in TPB PG-No. 22D. The 5% flexibility to the maximum permissible limit was not applicable to the current application.

92. The Vice-chairman and a Member raised the following questions:

- (a) the reasons for the 5% flexibility to the maximum permissible limit being not applicable to application No. A/K14/740; and
- (b) the possible alternative uses at the premises of application No. A/K14/740.

93. Ms Joyce Y.S. So, STP/K, made the following responses:

- (a) the 5% flexibility to the maximum permissible limit was only applicable to application submitted at the time when the total approved commercial floor area on the ground floor was less than the maximum permissible limit of 460m². Currently, the total approved commercial area was already 469.84m², and thus the 5% flexibility was not applicable to application No. A/K14/740; and
- (b) as set out in TPB PG-No. 22D, the maximum aggregate commercial floor area did not apply to uses which were ancillary to or for the purposes of supporting the industrial activities and the routine activities of the workers in the industrial or industrial-office building, including bank, fast food counter, electrical shop, local provisions store and showroom in connection with the main industrial use. The applicant might consider the above uses as an alternative use in the subject premises and submit a new planning application.

Deliberation Session

94. Members generally agreed with PlanD's recommendations, but were of views that the rationale of the 5% flexibility to the maximum permissible limit being not applicable to application No. A/K14/740 was not fully justified and the daily operation of the proposed use should be taken into account in assessing its potential impact on fire safety. The Committee agreed to convey Members' views to D of FS.

95. Referring to the replacement page 12, the Secretary clarified that the validity period of the planning permission should follow the normal four years for commencement of

the change of use.

96. After deliberation, the Committee decided to approve the applications No. A/K14/738, A/K14/739 and A/K14/741, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 17.2.2021, and after the said date, the permissions should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions 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, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition (a) is not complied with before operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

98. After deliberation, the Committee decided to reject the application No. A/K14/740. Members then went through the reasons for rejection as stated in paragraph 12.4 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed ‘Shop and Services (Money Exchange)’ use does not comply with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone as the total floor area accountable for the aggregate commercial floor area on ground floor of the subject industrial building has exceeded the maximum permissible limit of 460m² for an industrial or industrial-office building with sprinkler system; and
- (b) the application is not acceptable from the fire safety point of view.”

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

Agenda Item 19

Any Other Business

99. There being no other business, the meeting closed at 1:00 p.m..