

TOWN PLANNING BOARD

**Minutes of 578th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 7.4.2017**

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 Patrick H.T. Lau

Mr Stephen H. B. Yau

Dr Frankie W.C. Yeung

Dr Lawrence W. C. Poon

Mr K. K. Cheung

Professor T. S. Liu

Ms Sandy H. Y. Wong

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Peter C.K. Mak

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr Richard W.Y. Wong

Assistant Director (R1), Lands Department
Mr Simon S.W. Wang

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr Dominic K.K. Lam

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Franklin Yu

In Attendance

Chief Town Planner/Town Planning Board
Mr Kevin C.P. Ng

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

Agenda Item 1

Confirmation of the Draft Minutes of the 577th MPC Meeting held on 17.3.2017

[Open Meeting]

1. The draft minutes of the 577th MPC meeting held on 17.3.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Agenda Item 3

Section 16 Application

[Open Meeting]

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

3. The Secretary reported that Centaline Property Agency (CPA) was one of the consultants of the applicant. Mr K.K. Cheung had declared interest in this item as his firm had current business dealings with CPA. As the applicant had requested deferral of consideration of the application and Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

4. The Committee noted that the applicant requested on 17.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from 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 22.2.2017 to address TD’s comments.

5. 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.

[Mr Walter W.N. Kwong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

[Mr Patrick H.T. Lau and Mr Sunny L.K. Ho arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/487 Proposed Religious Institution (Memorial Hall) with Ancillary Garden in
"Green Belt" Zone, Lot 1212 in D.D. 453 and Adjoining Government
Land, Lo Wai, Tsuen Wan
(MPC Paper No. A/TW/487)

6. The Committee noted that a set of further information (FI) on landscape and traffic aspects submitted by the applicant dated 3.4.2017, which was received after issuance of the Paper, and the latest departmental comments on the FI were tabled for Members' consideration.

Presentation and Question Sessions

7. 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 to the application;
- (b) the proposed religious institution (memorial hall) with ancillary garden;
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application as there would be additional traffic generated by the proposed development and the applicant should undertake a Traffic Impact Assessment (TIA). The Director of Environmental Protection (DEP) did not support the application. Although the applicant claimed that all sewage would be discharged into the public sewers, no information was provided on potential sewerage impact, nor did the applicant provide any information on the potential sewer connection points and the effectiveness of the proposed sewer connection works. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also had reservation on the proposed footbridge that spanned over the narrow village road linking the Western Monastery and the site. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the site was inclined at greater than 15 degree from boundary to boundary and there was steep natural hillside overlooking parts of the proposed development. The applicant should submit a Geotechnical Planning Review Report (GPRR) in support of the application. Other relevant departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 44 public comments were received, included one comment submitted by the Hilltop Country Club which indicated no objection to the application and 43 objecting comments submitted by residents of Lavender Garden, Sheung Kok Shan and Lo Wai and individuals. The major grounds of objection

were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site was located within the temple/monastery cluster of Fu Yung Shan area and surrounded by the existing temple/monasteries including the Western Monastery to the west. The proposed development might not be totally incompatible with the surrounding developments from a land use point of view. However, the applicant had not provided strong justification on why the memorial hall could not be accommodated within the Western Monastery itself. There was no strong justification for a departure from the planning intention of the “Green Belt” (“GB”) zone. The applicant also failed to provide the necessary information to demonstrate the technical feasibility of the proposal. DEP did not support the application from sewerage aspect and C for T had reservation from traffic perspective. H(GEO), CEDD also advised that a GPRR should be submitted in support of the application. The proposed development did not comply with the Town Planning Board Guidelines No. 10 in that the applicant failed to demonstrate that the proposed development would not generate adverse impacts on the environment, traffic, slope stability and infrastructural provision. Approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications would result in general degradation of the rural environment and adverse impacts on the environment, traffic, slope stability and infrastructural provision of the area. Regarding the adverse public comments, the comments of relevant government departments and planning assessments above were relevant.

8. In response to the Chairman and a Member's enquiry, Mr Walter W.N. Kwong, STP/TWK, explained that the private lot was restricted for agricultural use under lease. Based on his observation during site inspection, the existing structure at the site appeared to be used for domestic purpose, which might be subject to lease enforcement action by the Lands Department.

Deliberation Session

9. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for the conservation of the existing natural environment amid the built up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within the “GB” zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for Application for Development within the “GB” zone in that the applicant fails to demonstrate that the proposed development would not generate adverse impacts on existing natural landscape, environment, traffic, slope stability and infrastructural provision; and
- (c) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in general degradation of the rural environment and adverse impacts on the environment, traffic, slope stability and infrastructural provision of the area.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/112 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted House
Development in “Residential (Group C) 1” Zone, Lot 425 in D.D. 399,
Ting Kau, Tsuen Wan
(MPC Paper No. A/TWW/112B)

10. The Secretary reported that K & K Chartered Architects & Associates (KKCAA) was one of the consultants of the applicant. Mr K.K. Cheung had declared interest in this item as his firm had current business dealings with KKCAA. As the applicant had requested deferral of consideration of the application and Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

11. The Committee noted that the applicant requested on 30.3.2017 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 third time that the applicant requested deferment of the application. Since the last deferment, the applicant submitted further information on 23.2.2017 and 30.3.2017 to address departmental comments.

12. 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 third deferment and a total of six months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/113 Renewal of Planning Approval for Temporary Shop and Services (Retail Shop) for a Period of 3 Years in “Government, Institution or Community” Zone, Lot 100 (Part), 101 RP and 110 RP in D.D. 390, Sham Tseng, Tsuen Wan
(MPC Paper No. A/TWW/113)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (retail shop) for a period of 3 years until 27.5.2020;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Relevant 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 14 public comments, included one supporting, 11 objecting and two providing views on provision of Government, Institution and Community (GIC) facilities at the site, were received from a member of Tsuen Wan District Council, Sham Tseng Trade Association and individuals. The major grounds of comments were set out in paragraph 11 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 12 of the Paper. The site fell within an area zoned “Government, Institution or Community” (“G/IC”) without any designated use. The temporary shop and services

had been in operation since 2007 and the existing one-storey commercial building with retail shops was considered not incompatible with the surrounding residential and commercial developments. Relevant departments had no objection to or adverse comment on the renewal application and there was no plan or known programme to provide any GIC facilities at the site. In this connection, the application complied with the relevant assessment criteria stated in the Town Planning Board Guidelines No. 16. The application also complied with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the previous approval was granted and no adverse planning implication would arise from renewal of the planning permission. Regarding the public comments, the comments of concerned departments and the assessments above were relevant.

14. In response to a Member's enquiry, Mr Walter W.N. Kwong, STP/TWK, made reference to a plan of GIC facilities and said that various GIC facilities including school and child care centres were provided in Sham Tseng area. Upon relocation of the Sham Tseng Sewage Treatment Works (STW), additional GIC facilities could be provided at the vacated site. Relevant departments would take into account the requirements in the Hong Kong Planning Standards and Guidelines (HKPSG) as well as the actual demands in the area in the planning and provision of GIC facilities. Mr Kwong further elaborated that while there were deficit in provision of school classrooms and hospital beds in Tsuen Wan West area, the current application site with a site area of 400m² was unable to accommodate a standard primary or secondary school, which required about 4,000m² and 7,000m² respectively. Sham Tseng area was currently served by hospitals in Tsuen Wan and Kwai Ching district and the provision of hospital beds would be considered on a wider district level. In response to the same Member's follow-up enquiry, Mr Kwong said that according to HKPSG and based on the population level in Tsuen Wan West area provision of an integrated family services centre (IFSC) was not required. In response to another Member's enquiry, Mr Kwong said that an integrated children and youth services centre had already been provided within the arcade of Bellagio as part of an integrated development.

15. A Member asked whether the site could be used for development of kindergarten. Mr Walter W.M. Kwong said that kindergartens were often provided in premises within a

development instead of at a stand-alone site.

16. A Member enquired on the appropriateness of the “G/IC” zoning and long term use of the site. Mr Walter W.N. Kwong explained that the site, which was occupied by a restaurant, was reserved for development of an ambulance depot on the first Tseun Wan West Outline Zoning Plan (OZP) when it was gazetted in 1989. The land owner objected but the Committee decided to retain the “G/IC” zoning of the site. However, the ambulance depot was subsequently developed at an alternative site. Currently relevant departments had no plan to develop any GIC facility at the site. Mr Kwong further pointed out that the current renewal application was for a period of 3 years. According to the information provided by the applicant, the site was pending permanent redevelopment. The Committee could reconsider whether to grant further permission in the future taking into account the latest planning circumstance.

Deliberation Session

17. A Member said while there was no requirement for provision of an IFSC in the area according to the HKPSG, as the local community continued to grow, there might be demand for such facility in the future. Another Member considered that accessibility in terms of travel time required should also be considered when planning those facilities so that smaller communities could also have reasonable access to those services. The Chairman remarked that there might be scope to provide additional GIC facilities at a site currently occupied by Sham Tseng STW upon its relocation.

18. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of three years from 28.5.2017 to 27.5.2020, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- “(a) all existing fire service installations and equipment at the application site shall be maintained in an efficient working order at all times;
- (b) maintenance of existing trees and landscape plantings during the approval period; and

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

[The Chairman thanked Mr Walter W.N. Kwong, STP/TWK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

[Ms Jessica K.T. Lee, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Hong Kong District

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/H17/137A)

19. The Committee noted that a replacement page (Appendix IV of the Paper), rectifying editorial errors in the advisory clauses was dispatched to Members before the Meeting.

Presentation and Question Sessions

20. With the aid of a PowerPoint presentation, Ms 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 school (tutorial school);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (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 tutorial school was located in the non-residential portion of The Repulse Bay and considered not incompatible with the other non-residential uses such as retail shops and restaurants within the same building. As The Repulse Bay Arcade was segregated from the residential portion, the proposed tutorial school was not expected to cause any disturbance to the residents. It was small in scale and unlikely to cause any significant adverse impact on the area. Concerned government departments had no adverse comment on the application.

21. In response to two Members’ enquiries, Ms Jessica K.T. Lee, STP/HK, explained that The Repulse Bay Arcade was in existence before the first publication of the Outline Zoning Plan (OZP). According to the Notes of the OZP, the proposed school use in the “Residential (Group B)” zone would require planning permission from the Town Planning Board. She then made reference to the site photos in Plan A-5 of the Paper and said that the subject premises, which was currently a bookstore, was being renovated for use as a tutorial school.

Deliberation Session

22. The Committee noted that the proposed school should fulfil the licensing requirements from the Education Bureau and other relevant departments before it could commence operation.

23. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.4.2021, 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 fire service installations for fire-fighting prior to commencement of school operation to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H18/78 Proposed Minor Relaxation of Site Coverage Restriction from 22.5% to 36% for Permitted House Development in “Residential (Group C) 4” Zone, 16 Big Wave Bay Road, Shek O (Rural Building Lot 282), Hong Kong

(MPC Paper No. A/H18/78A)

25. The Secretary reported that Townland Consultants Ltd. (TCL) and Urbis Ltd. (Urbis) were two of the consultants of the applicant. The following Members had declared interests in the item :

Mr Thomas O.S. Ho - having current business dealings with Urbis and past business dealings with TCL;

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

Mr Franklin Yu - having past business dealings with Urbis.

26. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Thomas O.S. Ho and Mr Franklin Yu had tendered apologies for being unable to attend the meeting. As Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

27. The Committee noted that the applicant requested on 8.3.2017 and 15.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of a Geotechnical Planning Review Report (GPRR) and refinement of the redevelopment scheme. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had appointed a consultant to prepare a GPRR, which was still under preparation.

28. 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 Irene W.S. Lai, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/145 Renewal of Planning Approval for Temporary Eating Place (Restaurant)
for a Period of 3 Years in “Open Space” Zone, Portion of Sai Wan Ho
Ferry Pier, Tai Hong Street, Sai Wan Ho, Hong Kong
(MPC Paper No. A/H21/145)

29. The Secretary reported that the site was located in Sai Wan Ho and the following Members had declared interests in the item :

Dr Wilton W.T. Fok - owning a residential unit in Taikoo Shing; and

Mr Martin W.C. Kwan - co-owning with his spouse two residential units in Taikoo Shing.

30. The Committee agreed that as the properties of Dr Wilton W.T. Fok and Mr Martin W.C. Kwan did not have direct view of the site, they could stay in the meeting.

Presentation and Question Sessions

31. 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 renewal of planning approval for temporary eating place (restaurant) under application No. A/H21/138 for a period of three years until 8.4.2020;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant departments had no objection to or adverse comment on the application;

- (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 application based on the assessments set out in paragraph 11 of the Paper. The application generally complied with the Town Planning Board Guidelines No. 34B in that there had been no change in the planning circumstances and the surrounding land uses since the granting of the last temporary approval on 7.2.2014. The planning conditions of the previous planning permission had been complied with. Relevant departments had no objection to or adverse comment on the renewal application.

32. In response to two Members' enquiries, Ms Irene W.S. Lai, STP/HK, said that the pier was under the purview of the Transport Department and based on the current mechanism, the operator of the pier could apply to the Government to utilise the unused area inside the pier for commercial purpose so as to subsidise the operation cost of the pier. A similar application for 'Shop and Services' use in the same pier was approved by the Committee on 3.3.2017.

Deliberation Session

33. A Member said that the restaurant inside the Star Ferry Pier in Wan Chai was an example that the revenue generated from the restaurant would help to relieve the pressure to increase ferry fare, and there was established mechanism to scrutinise the operation cost and revenue figures by the relevant government department.

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years from 9.4.2017 to 8.4.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/146 Renewal of Planning Approval for Temporary Eating Place (Restaurant)
for a Period of 3 Years in “Residential (Group B)” Zone, Flats L and M,
G/F, Tai Chow House, 121 Quarry Bay Street, Hong Kong

(MPC Paper No. A/H21/146)

36. The Secretary reported that the site was located in Quarry Bay and Mr Simon S.W. Wang had declared interest in the item for co-owning with his spouse a property in Quarry Bay. The Committee agreed that as the property of Mr Wang did not have direct view of the site, he could stay in the meeting.

Presentation and Question Sessions

37. 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 renewal of planning approval for temporary eating place (restaurant) under application No. A/H21/139 for a period of three years until 25.4.2020;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public

comment objecting to the application was received from the Incorporated Owners of Tai Lung House. The major grounds of objection 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 application generally complied with the Town Planning Board Guidelines No. 34B in that there had been no change in the planning circumstances and the surrounding land uses since the granting of the last temporary approval on 25.4.2014 and relevant departments had no objection to or adverse comment on the renewal application. The planning conditions of the previous approval in relation to fire service installations had also been complied with. Regarding the objecting public comment, the planning assessments above were relevant and the applicant had to comply with various pollution control ordinances and the Public Health and Municipal Services Ordinance. The restaurant would also be subject to licensing control by the Food and Environmental Hygiene Department.

38. Members had no question on the application.

Deliberation Session

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years from 26.4.2017 to 25.4.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) except for emergency, the door leading to the internal corridor on G/F of Tai Chow House shall be restricted for use by restaurant staff only;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) if the above planning condition (a) is not complied with at any time during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/432 Proposed Office, Eating Place and Shop and Services in “Residential (Group A)” Zone, 2-4 Shelley Street, Sheung Wan, Hong Kong
(MPC Paper No. A/H3/432)

41. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) and T.K. Tsui & Associates Ltd. (TKT) were two of the consultants of the applicant and the following Members had declared interests in the item :

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

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

42. The Committee agreed that as Mr Patrick H.T. Lau and Mr K.K. Cheung had no involvement in the application, they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed office, eating place and shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 39 public comments, including 24 supporting and 14 objecting, as well as one providing views, were received from Central & Western Concern Group, Designing Hong Kong, the Incorporated Owners of Lillian Court and individuals. The major grounds of the comments 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. As compared with the previously approved scheme (No. A/H3/402) involving similar use at the same site, the current application was mainly to redistribute the GFA of 'Eating Place', 'Shop and Services' and 'Office' uses, and to add one storey to the proposed development for a refuge floor and to increase the building height (BH) to 124.495mPD which was still within the BH restriction on the Outline Zoning Plan. The technical assessments submitted by the applicant had demonstrated that the proposed development would not generate any adverse impacts on traffic, environmental, visual and fire safety aspects. The applicant had also confirmed that the mitigation measures for loading/unloading activities proposed in the previous application would continue to be adopted in the

current application. Relevant government departments had no objection to the application. The application complied with the assessment criteria of Town Planning Board Guidelines No. 5. Regarding the adverse public comments, the comments of relevant government departments and planning assessments above were relevant.

44. In response to a Member's enquiry, Mr Jerry J. Austin, STP/HK, made reference to Drawing A-1 of the Paper, which showed a comparison between the ground floor plan of the previous approved and the current schemes, and explained that the applicant had proposed to further set back the building from Shelley Street to address departmental comments and a set of general building plan had been submitted to the Buildings Department accordingly. No further modification to the lease was required for the applicant to take forward the proposed development. Regarding the Member's question on the sewage treatment aspect, Mr Austin explained that as the current proposal involved increased floor space for 'Eating Place' use, the Director of Drainage Services had requested the applicant to submit a revised Sewerage Impact Assessment.

45. A Member noted that the area had plenty of restaurants and asked whether there was restriction on the ratio between 'Eating Place' and 'Office' floor space to be provided in the area. Mr Jerry J. Austin said that that it was up to the applicant to propose a particular floor space mix in the development that would best suit the market. If there was a substantial change in the mix, a fresh application to the Town Planning Board would be required and each application would be considered based on its individual merits.

46. The Vice-chairman noted that the previous application No. A/H3/402 was approved on review and the Transport Department (TD) had concern on the loading/unloading arrangements. Mr Jerry J. Austin explained that in the previous application, TD's concern was mainly in relation to the loading/loading activities via Old Bailey Street and in response, the applicant had submitted a Traffic Impact Assessment (TIA) with proposed mitigation measures. In the current application, the applicant had submitted a revised TIA and TD had no adverse comment. The applicant would continue to adopt the agreed mitigation measures including installation of bollards to control loading/unloading activities at the site.

Deliberation Session

47. In response to a Member's concern on fire safety, the Chairman advised that building plans for the proposed development would not be approved under the Buildings Ordinance if the Fire Services Department was not satisfied with the necessary fire service installation.

48. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.4.2021, 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 conditions :

- “(a) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the implementation of the mitigation measures for loading/unloading activities, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of setback of not less than 1.75m at the lower portion of the building along Shelley Street, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB; and
- (e) 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.”

49. The Committee also agreed to advise the applicant to note the advisory clauses as

set out at Appendix V of the Paper.

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

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

Kowloon District

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/303 Proposed Shop and Services in “Other Specified Uses” annotated
“Business” Zone, Unit No. 1C, G/F, Kowloon Bay Industrial Centre, 15
Wang Hoi Road, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/303)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public

comment was received; and

- (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 at the premises was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and not incompatible with the surrounding areas. For the subject building, 24 planning applications were approved for ‘Shop and Services’ use on the G/F while 14 of them were still valid. The application complied with the Town Planning Board Guidelines 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. Concerned government departments had no adverse comment on the application. 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.

51. In response to a Member's enquiry, Ms Sandy S.K. Ng, STP/K, said that the subject industrial building had installed a sprinkler system and if the application was approved, the aggregated commercial floor space on the G/F would still be less than 460m², hence the Director of Fire Services had no objection to the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- “(a) the submission and implementation of 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 in the subject industrial building within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 7.10.2017; and

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

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

[Mr Stephen C.Y. Chan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/18 Proposed Office in “Other Specified Uses” annotated “Tunnel Ventilation Shaft” Zone, 2/F, Lucky Building, 3-5 San Ma Tau Street, Ma Tau Kok, Kowloon
(MPC Paper No. A/K22/18)

54. The Secretary reported that Kenneth To & Associates Ltd. (KTA) and Ronald Lu & Partners (Hong Kong) Ltd. (RLP) were two of the consultants of the applicant. The following Members had declared interests in the item

Mr Patrick H.T. Lau - having current business dealings with KTA and RLP;

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

Mr K.K. Cheung - his firm having past business dealings with RLP.

55. The Committee noted that Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting and agreed that as Mr Patrick H.T. Lau and Mr K.K. Cheung had no involvement in the application, they could stay in the meeting.

Presentation and Question Sessions

56. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Relevant departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (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 subject premises was located on the 2/F of an existing industrial building within the “Other Specified Uses” annotated “Tunnel Ventilation Shaft” (“OU(TVS)”) zone. Since the site was no longer required for the originally planned tunnel ventilation shaft for the Central Kowloon Route (CKR), the long term use of the site would be further reviewed in due course. The proposed office use on 2/F was considered not incompatible with the warehouses within the same building and the existing commercial and retail uses on the G/F of the surrounding developments. The

proposed use would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no adverse comment on the application.

57. In response to the Chairman and two Members' enquiries, Mr Stephen C.Y. Chan, STP/K, said that subject to funding approval, the CKR project could commence in 2017. The site was previously rezoned from "Industrial" to "OU(TVS)" for the proposed tunnel ventilation shaft of the CKR, which was later confirmed no longer required. Upon completion of the CKR, the Kowloon City Ferry Pier Public Transport Interchange (PTI) adjacent to the site would be reprovisioned and there might be scope for redevelopment of the industrial buildings with the adjoining PTI in a comprehensive manner, the feasibility of which was under study.

Deliberation Session

58. A Member considered that the findings of the review on the long term use of the area might provide useful reference for the relevant land owners to decide whether to proceed with the redevelopment proposals. The Chairman remarked that the Notes for the "OU(TVS)" zone on the Outline Zoning Plan had provided flexibility for the land owners to better utilise the existing premises in the interim period. Since the site was no longer required for the said tunnel ventilation shaft, a suitable zoning would be proposed for the site upon completion of the review.

59. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.4.2021, 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 conditions :

- “(a) the submission and implementation of the proposal for fire safety measures, including the provision of fire service installations and equipment at the premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and

62. The Committee agreed that as Mr Patrick H.T. Lau had no involvement in the application and Dr Lawrence W.C. Poon's residence had no direct view of the site, they could stay in the meeting.

Presentation and Question Sessions

63. With the aid of a PowerPoint presentation, Ms Johanna W.Y Cheng, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed fifth extension of time (EOT) for compliance with conditions (d) and (e) on landscape and tree preservation proposal for a further 3 months from the last approval until 9.7.2017 for the approved temporary school (vocational community tutorial school) for a period of 3 year under application No. A/K18/317;
- (c) departmental comment – the Chief Town Planner/Urban Design and Landscape had no objection to the EOT application; and
- (d) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 6 of the Paper. In approving the fourth EOT application on 6.1.2017, the applicant was informed that as there was not much progress on compliance with condition (d) and that 12 additional months (i.e. a total of 18 months) had been given for compliance of the condition, and no further extension would be granted unless under very exceptional circumstances. There was no justification in the current EOT application on why conditions (d) and (e) could not be complied with within the past 18 months. The applicant had not demonstrated that reasonable actions and genuine efforts had been taken to comply with the planning conditions. The application was not in line with the requirements under Town Planning Board Guidelines No. 34B.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the applicant fails to provide strong justifications for further extension of the time limit for compliance with approval conditions (d) and (e); and
- (b) the applicant has not demonstrated that reasonable actions have been taken to comply with the approval conditions within the prescribed time limit.”

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

Agenda Item 15

Any Other Business

[Open Meeting]

A/KC/441-1 Application for Extension of Time for Compliance with Planning Condition (a) for the Approved Temporary Shop and Services (Convenience Store) for a Period of 1 Year, Godown B (Portion), G/F, Prosperity Centre, 77-81 Container Port Road, Kwai Chung

66. The Secretary reported that the application was approved with conditions by the Committee on 30.9.2016. The deadline for compliance with approval condition (a) on the submission and implementation of fire safety proposals, including fire service installation and equipment was 30.3.2017.

67. The Committee noted that an application for extension of time for compliance

with approval condition (a) was received by the Town Planning Board on 17.3.2017, which was within ten working days before the expiry of the specified time limit for approval condition (a). It was recommended not to consider the application as the deadline for compliance with condition (a) had already expired on 30.3.2017, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked.

68. Members agreed that the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

69. There being no other business, the meeting closed at 10:45 a.m..