

## **TOWN PLANNING BOARD**

### **Minutes of 589<sup>th</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 22.9.2017**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Dr Wilton W.T. Fok

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

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 C.F. Wong

Assistant Director (Regional 1), Lands Department  
Mr Simon S.W. Wang

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

Secretary

**Absent with Apologies**

Mr Sunny L.K. Ho

Mr K.K. Cheung

**In Attendance**

Assistant Director of Planning/Board  
Ms Sally S.Y. Fong

Town Planner/Town Planning Board  
Mr Dennis C.C. Tsang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 588th MPC Meeting held on 8.9.2017

[Open Meeting]

1. The Secretary reported that the Transport Department had proposed amendment to paragraph 20 (page 12) of the draft minutes of the 588th MPC meeting held on 8.9.2017, which was set out below :

“20. Mr Wilson W.S. Pang, Assistant Commissioner for Transport/Urban, Transport Department (TD), said that TD had reservation on the application as the information provided by the applicant was *rather* qualitative in nature and there was insufficient information for TD to ascertain the traffic impact arising from the proposed use.....”

2. The Committee agreed that the minutes of the 588<sup>th</sup> MPC meeting held on 8.9.2017 were confirmed subject to the incorporation of the above amendment.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

Y/KC/12                      Application for Amendment to the Draft Kwai Chung Outline Zoning Plan No. S/KC/28, To rezone the application site from “Industrial” to “Other Specified Uses” annotated “Columbarium (2)”, Kwai Chung Town Lot 274, 22-24 Wing Kei Road, Kwai Chung  
(MPC Paper No. Y/KC/12)

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4.                      The Committee noted that on 20.9.2017, after issuance of the Paper, the applicant and its representative each wrote to the Town Planning Board requesting deferment of consideration of the application for two months to allow time for the applicant to engage consultant to respond to departmental comments. The letters from the applicant and its representative were tabled at the meeting for Members’ consideration. It was the first time that the applicant requested deferment of the application.

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

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

**Agenda Items 4 and 5**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/783 Proposed Shop and Services in “Other Specified Uses” annotated “Business 3” Zone, Workshop No. 2, Ground Floor, Premier Centre, 20 Cheung Shun Street, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/783)

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A/K5/784 Proposed Shop and Services in “Other Specified Uses” annotated “Business 3” Zone, Workshop No. 4, Ground Floor, Premier Centre, 20 Cheung Shun Street, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/784)

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6. As the two applications were similar in nature and the application premises were located in close proximity to one another within the same building and within the same “Other Specified Uses” annotated “Business 3” (“OU(B)3”) zone, the Committee agreed that the two applications could be considered together.

**Presentation and Question Sessions**

7. With the aid of a PowerPoint presentation, Mr M.S. Ng, STP/TWK, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed shop and services at each of the premises;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned government departments had no objection to or no adverse comments on the applications;
- (d) no public comment on the applications was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. The proposed shop and services use was considered generally in line with the planning intention for the “OU(B)3” zone and was not incompatible with the uses of the subject industrial building. It complied with the Town Planning Board Guidelines No. 22D (TPB PG-No. 22D) in that it would not induce significantly adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent area. Relevant government departments including the Fire Services Department (FSD) had no objection to or no adverse comment on the applications. The aggregate commercial area on the ground floor, including the proposed use of the two applications, was within the maximum permissible limit of 460m<sup>2</sup> for industrial buildings with a sprinkler system.

8. A Member raised the following questions:

- (a) the difference in the sprinkler system requirements between industrial buildings and commercial buildings; and
- (b) noting that eating places were currently in operation in the subject premises under the Factory Canteen Licence, whether there was any mechanism to ensure the operation of those eating places was for factory canteen purpose only.

9. Mr M.S. Ng, STP/TWK, made the following responses:

- (a) there was no information on the sprinkler system requirements for industrial and commercial buildings. For planning control on commercial uses in industrial ('I') and industrial-office ('I-O') buildings within “OU(B)” zone, the guidelines in TPB PG-No. 22D were relevant; and
- (b) according to a recent site visit, the premises of application No. A/K5/783

was being occupied by a canteen while the premises of application No. A/K5/784 was being occupied by a food business. The current applications which were for shop and services uses would be considered as submitted.

### Deliberation Session

10. The Chairman said that provision of fire services installation, including sprinkler system for industrial and commercial buildings would be in accordance with the requirements under the Buildings Ordinance. TPB PG-No. 22D had set out the maximum permissible limit of commercial floor areas on the ground floor of an 'I' and 'I-O' building with and without a sprinkler system, as agreed with FSD. He further said that the operation of canteen facilities within industrial premises would be controlled through the Factory Canteen Licence. With reference to the Paper, he clarified that the premises of application No. A/K5/783 was under application for Factory Canteen Licence while the premises of application No. A/K5/784 was under application for Food Factory Licence. Nevertheless, the current applications were for proposed shop and services use.

11. A Member was of the view that the applications could be supported as they complied with TPB PG-No. 22D and FSD had no objection to the applications. Another Member, though supported the application, remarked that eating places in 'I' buildings operated under the Factory Canteen Licence should not be opened to the general public. Nonetheless, it was noted that such matter would be considered under a separate regime.

12. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 22.9.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

- “(a) the submission and implementation of fire safety measures, including the provision of fire service installations in the subject premises and a means of escape completely separated from the industrial portion, before operation of

the 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 operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

13. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix II of the Papers.

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/785                      Shop and Services (Estate Agency) in “Other Specified Uses” annotated  
“Business 2” Zone, Portion of Workshop C1 (Known as C1-Q), G/F,  
Block C, Hong Kong Industrial Centre, 489-491 Castle Peak Road,  
Kowloon  
  
(MPC Paper No. A/K5/785)

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14. The Secretary reported that RHL Surveyors Limited (RHL) was the consultant of the applicant. Dr Lawrence W.C. Poon and Ms Sandy H.Y. Wong had declared interests on the item as they personally knew the Managing Director of RHL. As Dr Poon and Ms Wong had no discussion on or no involvement in the application, the Committee agreed that they could stay in the meeting.

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

15. With the aid of a PowerPoint presentation, Mr M.S. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (estate agency);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed shop and services use was considered generally in line with the planning intention for the “Other Specified Uses” annotated “Business 2” zone and was not incompatible with the uses of the subject industrial building. It complied with the Town Planning Board Guidelines No. 22D in that it would not induce significantly adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent area. Relevant government departments including the Fire Services Department had no objection to or no adverse comment on the application. The aggregate commercial area on the ground floor, including the proposed use, was within the maximum permissible limit of 460m<sup>2</sup> for industrial buildings with a sprinkler system.

16. Members had no question on the application.

#### Deliberation Session

17. 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 in the subject premises and means of escape completely separated from the industrial portion, within 6 months from the date of the planning approval to the satisfaction

of the Director of Fire Services or of the TPB by 22.3.2018; 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.”

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

[Mr Dominic K.K. Lam arrived to join the meeting at this point.]

### **Agenda Items 7 and 8**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/786 Proposed Shop and Services in “Other Specified Uses” annotated “Business 2” Zone, Workshop No. 4, Ground Floor, Trust Centre, 912-914 Cheung Sha Wan Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/786)

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A/K5/787 Proposed Shop and Services in “Other Specified Uses” annotated “Business 2” Zone, Workshop No. 1, Ground Floor, Trust Centre, 912-914 Cheung Sha Wan Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/787)

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19. The Committee noted that the two applications were similar in nature and the application premises were located in close proximity to one another within the same building and within the same “Other Specified Uses” annotated “Business 2” (“OU(B)2”) zone, the Committee agreed that the two applications could be considered together.

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

20. With the aid of a PowerPoint presentation, Mr M.S. Ng, STP/TWK, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed shop and services at each of the premises;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned government departments had no objection to or no adverse comments on the applications;
- (d) no public comment on the applications was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. The proposed shop and services use under applications was considered generally in line with the planning intention for the “OU(B)2” zone and was not incompatible with the uses of the subject industrial building. It complied with the Town Planning Board Guidelines No. 22D in that it would not induce significantly adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent area. Relevant government departments including the Fire Services Department had no objection to or no adverse comment on the applications. The aggregate commercial area on the ground floor, including the proposed use of the two applications, was within the maximum permissible limit of 460m<sup>2</sup> for industrial buildings with a sprinkler system.

21. Members had no question on the applications.

#### Deliberation Session

22. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 22.9.2019, and after the said date, the permissions should

cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

- “(a) the submission and implementation of fire safety measures, including the provision of fire service installations in the subject premises and a means of escape completely separated from the industrial portion, before operation of the 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 operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

23. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix II of the Papers.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/788                      Proposed Shop and Services in “Other Specified Uses” annotated  
“Business 1” Zone, Unit No. 1, Ground Floor, Peninsula Tower, 538  
Castle Peak Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/788)

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

24. With the aid of a PowerPoint presentation, Mr M.S. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed shop and services use was considered generally in line with the planning intention for the “Other Specified Uses” annotated “Business 1” zone and was not incompatible with other uses in the same building. It complied with the Town Planning Board Guidelines No. 22D in that it would not induce significantly adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent area. Relevant government departments including the Fire Services Department (FSD) had no objection to or no adverse comment on the application. The maximum permissible limit of commercial floor area of 460m<sup>2</sup> on the ground floor did not apply to the subject application with buffer floor separation and no industrial uses were located within the non-industrial portion.

25. A Member raised the following questions:

- (a) with buffer floor separation, whether 460m<sup>2</sup> criterion would be applied if only part of the ground floor was converted to commercial use; and
- (b) how to ensure that the car parking floors above the application premises would be maintained to serve the buffer floor function.

26. Mr M.S. Ng, STP/TWK, made the following responses:

- (a) to satisfy FSD’s requirements for exemption of the 460 m<sup>2</sup> criterion for an

industrial building with buffer floor, the whole area below the buffer floor should have no workshop or other industrial activities; and

- (b) any change of use of the car parking floors would require building plans approval under the Buildings Ordinance.

[Mr Franklin Yu arrived to join the meeting at this point.]

### Deliberation Session

27. The Chairman pointed out that the subject premises covered an area of about 377m<sup>2</sup> on the ground floor and it was within the maximum permissible limit of 460 m<sup>2</sup> regardless of whether there was buffer floor separation.

28. The Secretary supplemented that for application for commercial use within an industrial building, to satisfy FSD's fire safety requirements, the aggregate commercial floor area on the ground floor should not exceed 460 m<sup>2</sup> for a building with sprinkler system and 230m<sup>2</sup> for a building without sprinkler system. For the subject case, as the car parks on the first to third floors could provide buffer floor function and there was no workshop or other non-industrial uses on the ground floor, FSD had no objection to the application.

29. 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 22.9.2019, 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 fire safety measures, including the provision of fire service installations in the subject premises and a means of escape completely separated from the industrial portion, before operation of the 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 operation of the

use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

30. 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 Mr M.S. Ng, STP/TWK for his attendance to answer Members’ enquiries. He left the meeting at this point.]

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

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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/K20/127D)

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31. The Secretary reported that Kenneth To and Associates Limited (KTA) was one of the consultants of the applicant and Mr Patrick H.T. Lau had declared an interest on the item as he had current business dealings with KTA. The Committee agreed that as Mr Lau had no involvement in the application, he could stay in the meeting.

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

32. With the aid of a PowerPoint presentation, Ms Agnes Y.M. Tang, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed ‘office’, ‘flat’, ‘social welfare facilities (special child care centre cum early education and training centre)’, ‘shop and services’ and ‘eating place’;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as some trees in the proximity along the perimeter were proposed to be felled but the detailed compensatory planting proposal was missing. Besides, the proposed Landscape Master Plan (LMP), Open Space Diagram and Greenery Coverage Diagram were too indicative and conceptual, and the countable greenery coverage of the green roof of the Social Welfare Building should be reviewed. Other concerned government departments had no objection to nor adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 77 public comments were received including that from a District Council member, owners committees of nearby residential developments and individuals. Among those comments received, 43 objected to and 34 provided views on the application. Major objection grounds and views were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. The intensity of the proposed development complied with the plot ratio restrictions stipulated under the “Residential (Group A)3” (“R(A)3”) zone. The proposed office block was considered not incompatible with the surrounding land uses. The proposed office and social welfare facilities would have insignificant impact on the housing land supply. Based on the assessments submitted, concerned government departments had no objection to nor adverse comments on the application in respect of traffic, environmental, fire safety,

drainage and sewage, waste management and quantitative risk assessment (QRA) aspects. Regarding CTP/UD&L, PlanD's concerns, relevant details on the design concept, spatial arrangement and quantified information on the provision of private open space and greenery could be addressed in the LMP. The application was generally in line with the Town Planning Board Guidelines No. 5 while the provision of social welfare facilities and public car park in the proposed development could be considered as planning gains. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

### Interface with surrounding developments

33. Some Members raised the following questions:
- (a) noting the close proximity of the Sham Mong Road Substation and liquefied petroleum gas (LPG) station to the application site, whether there was any minimum distance requirement between these facilities and the proposed development;
  - (b) whether the proposed development would affect the tertiary education institution adjoining the site;
  - (c) the ingress/egress and pedestrian access arrangement for the office block, residential towers and social welfare facilities; and
  - (d) noting that there were objections to the proposed development from the residents nearby, including those from One West Kowloon and Banyan Garden, whether the design and layout of the proposed development had taken into account the surrounding developments.
34. Mr Lawrence Y.C. Chau, DPO/TWK, made the following responses:
- (a) the applicant had undertaken a QRA which concluded that the risk level

posed by the LPG filling station was acceptable in accordance with the Government Risk Guidelines under the Hong Kong Planning Standards and Guidelines. QRA was not required for the Substation. The concerned government department had no adverse comment on the submitted QRA Report;

- (b) the adjoining Hong Kong Institute of Vocational Education (IVE) shared access through an existing access road from Lai Chi Kok Road. The applicant had proposed to widen the access road and the cul-de-sac to cater for the demand arising from the proposed development. The IVE would not be adversely affected by the proposed development;
- (c) with reference to Drawing A-6 of the Paper, vehicular access to the development would be via Lai Chi Kok Road through the access road before entering the basement car park of the development. Residents would enter the lobby of the residential towers from the access road while office users would reach the office block from Lai Chi Kok Road. The entrance to the social welfare facilities would be from Sham Mong Road; and
- (d) with reference to the Master Layout Plan (MLP) on Drawing A-1 of the Paper, the two residential blocks were separated by a relatively open area in the central portion of the site, which was similar to the blocking layout of the adjoining One West Kowloon.

#### Provision of social welfare facilities

35. Some Members raised the following questions:

- (a) whether the proposed social welfare facilities would be handed over to the Social Welfare Department (SWD) after completion of the development at no cost to the government; and
- (b) whether there was any shortfall in the provision of government, institution

and community (GIC) facilities in the district.

36. Mr Lawrence Y.C. Chau, DPO/TWK, made the following responses:

- (a) according to the applicant, the proposed social welfare facilities would be provided by the applicant at his own cost which would be handed over to SWD for future maintenance and management upon completion of the development. An approval condition requiring the design and provision of the social welfare facilities and at his own cost to the satisfaction of SWD was recommended;
- (b) there was no shortfall in the provision of GIC facilities in the Sham Shui Po District. The requirement of social welfare facilities would be based on the population size and profile of individual district; and
- (c) the applicant had consulted SWD in finalising the proposed social welfare facilities under application.

Proposed office development

37. Some Members had the following questions:

- (a) noting that ‘office’ use was normally permitted as of right in the lowest three floors within “R(A)” zone, whether planning permission for the subject development was required mainly due to the proposed office block which was more than 3 storeys;
- (b) the office distribution in the area; and
- (c) whether there was any implication on the overall development if the site occupied by the office block was subsequently sold separately.

38. Mr Lawrence Y.C. Chau, DPO/TWK, made the following main points:

- (a) due to traffic concern, 'office' use was a column 2 use under the subject "R(A)" zone. 'Office' use, even if it was located on the lowest floors of a residential development, required planning permission from the Town Planning Board;
- (b) the areas to the north of Lai Chi Kok Road were mainly zoned "OU(B)" with a number of buildings already converted to commercial uses. There was also a sale site for commercial development. So far, about one tenth of the building within "OU(B)" zone had been converted to commercial/business uses; and
- (c) as the office block and the residential towers shared a common podium, the site occupied by the office block would unlikely be sold separately.

Granting of government land (GL) and housing land supply

39. Some Members raised the following questions:

- (a) whether the GL had been taken into account in plot ratio (PR) calculation and whether excluding the GL from the site would affect the overall housing land supply;
- (b) whether there was any planned use for the piece of GL within the site and whether the GL had to be granted to the applicant;
- (c) whether the domestic PR of the site had been fully utilised; and
- (d) the average flat size, noting that the housing units provided were primarily studio flats and 1-bedroom units.

40. Mr Lawrence Y.C. Chau, DPO/TWK, made the following main points:

- (a) the GL within the site had been taken into account for PR calculation. The application site, with an area of about 2,980 m<sup>2</sup> including about 406 m<sup>2</sup>

of GL, was subject to a maximum domestic PR of 7.5 and maximum non-domestic PR of 1.5. Based on the current design, the development had a domestic PR of 7.197 and a non-domestic PR of 1.499, which was within the maximum permissible limit with the domestic PR slightly less than the maximum PR of 7.5;

- (b) the GL within the site was zoned “R(A)3” and could be for residential development subject to the same development parameters. If the application was approved by the Committee, the land owner had to apply to the Lands Department (LandsD) for a land exchange; and
- (c) the average flat size was about 30 m<sup>2</sup> according to the submission.

41. Mr Simon S.W. Wang, Assistant Director (Regional 1) (AD(R1)), Lands Department (LandsD) supplemented that if the land owner applied to LandsD for a land exchange, LandsD might or might not approve the granting of additional government land.

#### Deliberation Session

42. Members in general supported the proposed development and had the following views:

- (a) amongst the proposed uses, only ‘office’ use would require planning permission. The proposed office block, located near Lai Chi Kok Road and in close proximity to the areas zoned “OU(B)” to the north of the site, was considered acceptable;
- (b) the provision of social welfare facilities within the proposed development, as proposed by the applicant at his own cost, was appreciated. Consideration should be given to enhance the accessibility of the social welfare facilities, which included a Special Child Care Centre cum Early Education and Training Centre, at detailed design stage. Consideration should also be given to incorporate requirements for the provision of the proposed social welfare facilities in the land grant conditions to ensure its

provision; and

- (c) there were concerns on the small size of the flats as proposed in the submission, which would not be conducive to enhancing liveability. The applicant should consider providing larger size flats at the detailed design stage.

43. Regarding the inclusion of the GL into the site, Members noted that, by so doing, the lot owner would have a larger site with an additional road frontage and better design flexibility. Whilst some Members considered that it would benefit the lot owner and was unfair to other prospective developers, it was generally agreed that the matter relating to land exchange should be left to LandsD to consider in accordance with the government policy.

44. Mr Simon S.W. Wang, Assistant Director (Regional 1) (AD(R1)), LandsD suggested and Members agreed to add an advisory clause to remind the lot owner that there was no guarantee that the application for land exchange (including the granting of additional government land) would be approved by the government.

45. 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 22.9.2021, 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 a Landscape and Tree Preservation Proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of social welfare facilities, as proposed by the applicant and at his own cost, to the satisfaction of the Director of Social Welfare or of the TPB;
- (c) the design, provision, management and maintenance of the public car park to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and provision of parking facilities, loading/unloading spaces and

laybys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;

- (e) the design and provision for widening of the cul-de-sac and associated works, as proposed by the applicant and at his own cost, to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the inclusion of a non-building area with 3m away from the Guangzhou-Shenzhen-Hong Kong Express Rail Link tunnel and reservation of a 2m-wide clearance area from highway structures, footbridge and their foundations at Sham Shing Road to the satisfaction of the Director of Highways or of the TPB;
- (g) the submission of an updated noise impact assessment and the implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of a land contamination assessment and implementation of the remediation actions identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;  
and
- (i) the provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB.”

46. 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:

- “(d) to note the comments of the District Lands Office/Kowloon West, Lands Department (LandsD) that the lot owner has to apply to LandsD for a land exchange. However, there is no guarantee that the land exchange application (include the granting of additional government land) will be approved. In case the proposed grant of additional Government land is not accepted by LandsD acting in the capacity as the landlord, the applicant

would need to revise the planning scheme.”

[The Chairman thanked Mr Lawrence Y.C. Chau, DPO/TWK, and Ms Agnes Y.M. Tang, STP /TWK, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

[Dr Wilton W.T. Fok left the meeting at this point.]

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

### **Hong Kong District**

#### **Agenda Item 11**

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

[Open Meeting (Presentation and Question Sessions Only)]

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

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47.                      The Secretary reported that the site was located in Sai Ying Pun and 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 current business dealings with Lanbase and past business dealings with ALKF;

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

Mr Wilson W.S. Pang                      - owning a flat and a car park in Sai Ying Pun.

48. As Messrs Patrick H.T. Lau and Franklin Yu had no involvement in the application and the properties owned by Mr Wilson W.S. Pang did not have a direct view of the application site, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Tourism (C for Tourism) supported the proposed hotel development. The District Officer (Central & Western), Home Affairs Department advised that the Central & Western District Council had expressed strong reservation in the past about hotel developments in quiet residential areas in the district and the main concerns were on possible adverse traffic, visual and environmental impacts. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 280 public comments against the application were received, including those from a Legislative Council and Central & Western District Council (C&WDC) member, a C&WDC Member, the Sai Wan Concern with 291 signatures, Designing Hong Kong Limited, the incorporated owners of High House and Wing Wah Building, local residents and individuals. Major grounds of objection 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 application was mainly to include an additional lot into an approved

hotel scheme which would allow better site utilisation. The proposed plot ratio (PR) and building height (BH) of the hotel development was considered not incompatible with that of the surrounding developments and complied with the BH restriction of “Residential (Group A)8” (“R(A)8”) zone. The current scheme had provided additional design merits including a setback of 0.45m from Third Street for pavement widening and the provision of a loading/unloading (L/U) space and a taxi/private car lay-by within the hotel. The traffic impact assessment (TIA) submitted by the applicant had demonstrated that the proposed increase in development intensity would not generate any adverse traffic impact. The previous approval condition requiring the applicant to submit the design of the façade of the proposed hotel development was recommended to be retained to address the Committee’s previous concerns on the design of the façade and its compatibility with the surroundings. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant. As for the public concern on setting of undesirable precedent, it should be noted that each application would be considered on its individual merits.

50. A Member raised the following questions:

- (a) the basis for allowing hotel development within “Residential (Group A)” (“R(A)”) zone up to a plot ratio (PR) of 12;
- (b) the floor area occupied by back-of-house (BOH) facilities which would be exempted from gross floor area (GFA) calculation; and
- (c) whether there were any opportunities to provide landscaped area in the upper floors of the proposed hotel for public enjoyment.

51. Mr Jerry Austin, STP/HK, made the following responses:

- (a) in considering a planning application for hotel development in “R(A)” zone in 2007, the Committee concluded that a PR of 12 was appropriate for hotel

development within “R(A)” zone taking into account the residential nature of the surrounding developments and the permissible PR of 15 for hotel development under the Building (Planning) Regulations. Since then, it was the Town Planning Board’s established practice of allowing hotel development at suitable locations within “R(A)” zone on Hong Kong Island up to a PR of 12;

- (b) based on the information provided by the applicant, about 84m<sup>2</sup> (i.e. about 5% of the total GFA) were for BOH facilities which would be exempted from GFA calculation; and
- (c) according to the scheme submitted by the applicant, landscape planting was provided on the third floor and at the roof level. There might not be further opportunities for providing more greening.

52. Some Members raised the following questions:

- (a) the traffic condition in the vicinity of the site and the access arrangement of the proposed development;
- (b) noting the congested traffic in the surroundings, whether the traffic impact arising from the proposed development was acceptable.

53. In response, Mr Jerry Austin, STP/HK, said that Third Street was a one-way road of about 6 m to 7 m wide. Any vehicles exceeding 7 m long were prohibited to enter the road. The TIA submitted by the applicant had demonstrated that the proposed development would not generate any adverse traffic impact. The Transport Department (TD) considered the TIA acceptable. Comparing with the previous scheme with shops on the ground floor, the current proposal to include L/U facilities inside the building would help minimise disruption to the traffic.

54. In response to a Member’s enquiry, Mr Wilson W.S. Pang, Assistant Commissioner for Transport (Urban), TD clarified that Third Street was a one-way road accessed via Western Street to Eastern Street. Long vehicles were prohibited to enter Third

Street for traffic safety reason as both Western Street and Eastern Street were very steep. While Third Street was wide enough to allow on-street drop-off, the current proposal to provide a L/U bay and taxi/private car lay-by within the development was considered an improvement compared with the previous scheme. Besides, the proposed hotel was close to the Mass Transit Railway (MTR) station, it was expected that hotel users would reach the proposed hotel by MTR or other public transport.

[Dr Frankie W.C. Yeung left the meeting at this point.]

55. Noting that the current application was the subject of a previously approved scheme, a Member enquired about the validity of the previous planning permission. In response, Mr Jerry Austin, STP/HK, said that building plans for the previously approved scheme were approved by the Building Authority in 2014 and the proposed hotel development was deemed to have commenced.

56. In response to a question from the same Member, Mr Jerry Austin, STP/HK, said that the C for Tourism had not provided any information on the projected demand/shortfall of hotel room.

#### Deliberation Session

57. Noting that the site was located in a quiet residential area, a Member said that while part of the site was the subject of an approved scheme, the current proposal with an increase in hotel rooms should only be justified if there was a projected demand in hotel rooms. Otherwise, the site should be retained for residential use.

58. Though sharing the views of this Member, some other Members supported the application on the consideration that part of the site was the subject of an approved hotel development with building plans approved. The current scheme to include an adjoining lot would allow better utilisation of land resources. There were improvements in the current scheme as compared to the approved scheme in terms of traffic arrangement and TD considered the traffic impact acceptable. Besides, the proposed hotel development would help enhance the physical environment and facilitate urban renewal.

59. Members in general supported the application. Noting the Committee's concerns on the potential impacts of using curtain wall for the hotel development on the nearby residents when considering the previous application, Members agreed that the previous approval condition requiring the applicant to submit the façade design of the proposed hotel development should be retained in the current approval.

60. 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 22.9.2021, 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 setting back of the building by 0.45m along Third Street for footpath widening purposes to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and provision of the internal transport facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design of the façade of the proposed hotel development to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the implementation of the recommendations of the accepted SIA, if any, to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (g) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

61. 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 Austin, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

### **Agenda Item 12**

#### **Section 16 Application**

[Open Meeting]

A/H6/82 Proposed Access Road for Residential Development at 4-4C Tai Hang Road in "Green Belt" Zone and an area shown as 'Road', Inland Lot 7426 (Part) and adjoining Government Land, Tai Hang Road, Hong Kong  
(MPC Paper No. A/H6/82B)

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62. The Secretary reported that the application site was located in Tai Hang and Townland Consultants Limited (TCL) and MVA Hong Kong Limited (MVA) 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 MVA and past business dealings with TCL;
Mr Thomas O.S. Ho		
Mr Franklin Yu	-	having past business dealings with MVA;
Mr K.K. Cheung	-	his firm having current business dealings with MVA; and
Ms Sandy H.Y. Wong	-	self-occupying a flat in Tai Hang.

63. The Committee noted that Mr K.K. Cheung had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that as Messrs Patrick H.T. Lau, Thomas O.S. Ho and Franklin Yu had no involvement in the application and the property of

Ms Sandy H.Y. Wong did not have a direct view of the site, they could stay in the meeting.

64. The Committee also noted that the applicant's representative requested on 11.9.2017 deferment of the consideration of the application for one month in order to allow time for the applicant to finalise the technical assessments to address the comments of relevant government departments. It was the third time that the applicant requested deferment of the application. Since the first deferment, no further submission had been received from the applicant but the applicant had liaised with the concerned departments for finalising the technical assessments to be submitted.

65. 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 one month was allowed for preparation of the submission of the further information. Since it was the third deferment and a total of five months had been allowed for preparation of 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 at this point.]

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/274            Proposed Public Utility Installation (Aboveground Gas Governor Kiosk and Crash Barrier) in an area shown as 'Road', Government Land opposite Tin Wan Station Building on Tin Wan Hill Road, Tin Wan, Hong Kong  
(MPC Paper No. A/H15/274)

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66.            The Secretary reported that the application site was located in Tin Wan and the application was submitted by the Hong Kong and China Gas Company Limited (HKCGC) which was a subsidiary of Henderson Land Development Company Limited (HLD). The following Members had declared interests on the item:

- |                     |   |
|---------------------|---|
| Mr Patrick H.T. Lau | - having current business dealings with HLD and owning a flat in Tin Wan, Aberdeen;   |
| Mr K.K. Cheung      | - his firm having current business dealings with HKCGC;   |
| Mr Franklin Yu      | - having past business dealings with HLD;   |
| Dr Wilton W.T. Fok  | - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before, and co-owning a flat with his spouse in Ap Lei Chau; and |
| Mr Wilson Y.W. Fung | - being a Director of the Hong Kong Business Accountants Association which had obtained sponsorship from HLD before.  |

67.            The Committee noted that Mr K.K. Cheung had tendered apologies for being unable to attend the meeting and Dr Wilton W.T. Fok had already left the meeting. As the interest of Mr Patrick H.T. Lau was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. The Committee also agreed that as Mr Franklin Yu had no involvement in the application and the interest of Mr Wilson Y.W. Fung was indirect, they could stay in the meeting.

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

#### Presentation and Question Sessions

68. 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 public utility installation (aboveground gas governor kiosk and crash barrier);
- (c) departmental comments – departmental comments were set out in paragraph 7 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 9 of the Paper. The proposed gas governor kiosk was an essential facility for gas supply to serve the area. The proposed facility, with its small scale, was unlikely to cause obstruction to the pedestrian flow along the pavement and would not have significant environmental, visual and landscape impacts on the surrounding area.

69. Members had no question on the application.

#### Deliberation Session

70. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should

be valid until 22.9.2021, 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.

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

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

[Messrs Mr Stephen H.B. Yau and Thomas O.S. Ho left the meeting at this point.]

[The meeting was adjourned for a 5-minute break.]

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

[Ms Johanna W.Y. Cheng, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

### **Kowloon District**

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/269                      Proposed Temporary School (Private Primary School) for a Period of 5  
Years in "Comprehensive Development Area (2)" Zone, G/F, 1/F and  
R/F, Cheung Kei Center Tower B, One Harbourgate, 18 Hung Luen  
Road, Hung Hom, Kowloon  
(MPC Paper No. A/K9/269A)

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72. The Secretary reported that Lanbase Surveyors Limited (Lanbase) was one of the consultants of the applicant and Mr Patrick H.T. Lau had declared an interest on the item as

he had current business dealings with Lanbase. As Mr Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

### Presentation and Question Sessions

73. 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 temporary school (private primary school) for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 19 public comments were received, including 13 supporting comments from the British Chamber of Commerce in Hong Kong, the Department for International Trade of the British Consulate-General and individuals, five objecting comments from individuals and one public comment providing views from a Kowloon City District Council member. Major supportive views, objection grounds and other views on the application 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 assessment set out in paragraph 11 of the Paper. While the proposed school use was not entirely in line with the original planning intention for the “Comprehensive Development Area(2)” (“CDA(2)”) zone, the application was on a temporary basis for five years, it only involved one of the two 2-storey commercial blocks abutting the Hung Hom Promenade and the proposed use was not incompatible with the surroundings. The applicant had proposed various traffic mitigation

measures and the Commissioner for Transport had no adverse comment on the application. Other concerned departments had no adverse comments on the application from environmental and infrastructure perspectives. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant. As for the public concerns on insufficient space in the premises to provide proper supporting facilities for the school, such details would be vetted during the school registration stage. On the comment regarding demand for primary schools in Hung Hom, the Education Bureau (EDB) advised that the public primary school places in Kowloon City District was generally in balance up to 2024.

74. Ms Johanna W.Y. Cheng, STP/K, supplemented that the applicant consulted the Harbourfront Commission's Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing (Task Force) on 19.9.2017. The Development Bureau, in the capacity of the Secretary of the Task Force, had conveyed the Task Force's concerns on the application in terms of impacts on vibrancy of the waterfront, traffic impact, safety of students, insufficient space for school facilities and the proposed school not well integrated with nearby land uses.

#### The application premises

75. Some Members raised the following questions:

- (a) the application premises and the surroundings; and
- (b) whether there were other retail and dining facilities in the vicinity of the application premises.

76. Ms Johanna W.Y. Cheng, STP/K, made the following responses:

- (a) the application premises were part of a commercial development (i.e. One Harbourgate) on a piece of land zoned "CDA(2)" which was a land sale site sold in 2011. The site was restricted to non-industrial (excluding

residential, godown, hotel and petrol filling station) uses under the lease;

- (b) One Harbourgate comprised two 14-storey office blocks along Hung Luen Road and two 2-storey blocks for shop uses abutting Hung Hom Promenade at the waterfront. At present, the office blocks were not fully occupied while the two-2-storey blocks were vacant; and
- (c) there were retail and dining facilities in the nearby hotels along this part of the waterfront.

#### The proposed temporary school

77. Some Members had the following questions:

- (a) the relationship of the applicant and the proposed school;
- (b) the number of students to be accommodated in the proposed temporary school and whether students had been admitted to the school;
- (c) noting the temporary nature of the application, whether there was any long term plan of the school;
- (d) any information from the applicant on the possible location of the permanent school site and the arrangement for the affected students in case a permanent school site could not be secured after expiry of the temporary approval; and
- (e) the established procedures in identifying sites for school use.

78. Ms Johanna W.Y. Cheng, STP/K, made the following responses:

- (a) according to the applicant, Bewater Fitness Limited (the applicant) and Mount Kelly Hong Kong were partners acting as applicant and school operator respectively;

- (b) the proposed temporary school would accommodate about 300 students in 6 primary school grades. The applicant had not submitted information on whether students had been admitted to the proposed temporary school;
- (c) the applicant indicated that they were currently arranging permanent school premises for providing private school services in the long run;
- (d) the applicant had not submitted information on the possible location of the permanent school site and contingency arrangement in case a permanent school site could not be secured after expiry of the temporary approval; and
- (e) public/subsidised schools were normally located within sites zoned “Government, Institution or Community” and their provisions would be decided by the Education Bureau (EDB). As for private schools or international schools, EDB also had a set of criteria and procedures in handling such applications for school sites/premises.

#### Similar applications

79. Some Members had the following questions:

- (a) for schools under temporary approval, any similar cases with the schools later approved for permanent schools and any cases where the schools applied to renew the temporary approvals due to failure to secure a permanent school site;
- (b) for those schools applying for renewal of temporary approval, any information on how many of them were rejected and the maximum number of times such renewal would be allowed; and
- (c) whether there were similar applications for conversion of commercial buildings for primary school use.

80. Ms Johanna W.Y. Cheng, STP/K, made the following responses:

- (a) there were a number of applications for temporary school use in Kowloon Tong, but those were for kindergarten and not primary school use. So far, there had not been any such temporary approvals for kindergarten use which had subsequently been given permanent approval for the use. There was no information on how many of the renewal applications were made on claims of difficulties in securing permanent school sites;
- (b) there was no rules on the number of times such renewal of temporary approval could be allowed and each application would be considered on their merits and prevailing planning circumstances. In Kowloon Tong, there was a previous case that a kindergarten's temporary approval was renewed three times but that planning permission had now lapsed. There were two other cases with their temporary kindergarten approvals renewed once and the planning permissions were still valid;
- (c) in considering renewal applications, the Committee would take into account the long-term planning intention of the concerned site, whether sympathetic consideration could be given due to special circumstances and merits of individual cases. In processing school registration applications, EDB would also remind the applicant that proper contingency arrangements should be made to minimise the impacts on students in the circumstances that the renewal application was rejected; and
- (d) there was no similar planning application for temporary primary school use in a commercial premises in Hung Hom area.

#### Deliberation Session

81. Several Members expressed concerns on the application and made the following major points:

- (a) the application was not in line with the planning intention for "CDA(2)"

zone under which the application premises was for retail and dining uses so as to enhance the attractiveness and vibrancy of the waterfront promenade. The premises should be used to achieve the intended purpose;

- (b) retail and dining facilities along this section of the waterfront were only available in One Harbourgate and in nearby hotels. Opportunity should be taken to provide retail and dining facilities, as planned, in this premises so as to enhance the vibrancy of the waterfront. Using one of the two low-rise blocks for the proposed school use in this locality would not be conducive to this intention and might create constraint on the use of the other low-rise block;
- (c) the subject premises, with a gross floor area of about 2,000 m<sup>2</sup>, were considered not suitable for primary school use as primary school development would normally require a larger site;
- (d) given that the proposed primary school had yet to secure a permanent school site and the long-term plan of the school was uncertain, approval of the application on a temporary basis was undesirable and not supported. In case a permanent school site could not be secured by the applicant after expiry of the temporary approval, many school students would be affected;
- (e) the Committee had in the past approved temporary school use despite the use might not be entirely in line with the planning intention. For example, sympathetic consideration might be given to an existing school which was forced to relocate in the middle of a school term or temporary school use pending availability of a permanent school site with known programme. However, the current case was not subject to such circumstances which would warrant favourable consideration by the Committee;
- (f) the Task Force's views were respected; and
- (g) whilst the establishment of international schools in Hong Kong was welcomed, the subject premises were not a suitable location for school use.

The school operators of private school or international school should approach EDB to apply for suitable school premises/site or to utilise vacant school site according to the established mechanism.

82. Members generally did not support the application. They then went through the suggested rejection reasons in paragraph 12.3 of the Paper and considered them in order.

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

- “(a) the application is not in line with the planning intention of the “Comprehensive Development Area (2)” zone which is for retail and office uses and the intention to provide shop use at the premises to enhance the attractiveness and vibrancy of the Hung Hom waterfront, and should not be allowed even on a temporary basis; and
- (b) approval of the application will set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will affect the attractiveness and vibrancy of the Hung Hom waterfront.”

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/307            Shop and Services (Fast Food cum Retail Shop) in “Other Specified Uses” annotated “Business” Zone, Unit 6A, G/F, Kingsford Industrial Centre, 13 Wang Hoi Road, Kowloon Bay, Kowloon  
(MPC Paper No. A/K13/307 )

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

84. 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 shop and services (fast food shop);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual supporting the application was received. The supporting view was 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 assessment set out in paragraph 11 of the Paper. The use under application was considered generally in line with the planning intention for the “Other Specified Uses” annotated “Business” zone and was not incompatible with the surrounding areas. The use complied with the Town Planning Board Guidelines No. 22D in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas.

85. Members had no question on the application.

#### Deliberation Session

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

- “(a) the submission and implementation of the proposal for fire safety measures, including the provision of fire service installations and equipment at the application premises and means of escape completely separated from the

industrial portion in the subject industrial building within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018; 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.”

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

**Agenda Item 16**

Any Other Business

88. There being no other business, the meeting closed at 12:30 p.m..