

TOWN PLANNING BOARD

Minutes of 600th Meeting of the Metro Planning Committee held at 9:00 a.m. on 16.3.2018

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Assistant Commissioner for Transport (Urban)
Transport Department
Mr Peter P.C. Wong

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

Principal Environmental Protection Officer (Metro Assessment)
Environmental Protection Department
Mr Tony W.H. Cheung

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

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr K.K. Cheung

Mr Thomas O.S. Ho

In Attendance

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

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

Town Planner/Town Planning Board
Ms Sincere C.S. Kan

Agenda Item 1

Confirmation of the Draft Minutes of the 599th MPC Meeting held on 2.3.2018

[Open Meeting]

1. The draft minutes of the 599th MPC meeting held on 2.3.2018 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/H4/12

Application for Amendment to the Approved Central District Outline Zoning Plan No. S/H4/16, To Rezone the Application Site from “Government, Institution or Community” (“G/IC”) to “Other Specified Uses” annotated “Heritage Precinct” or “G/IC(1)”, The Hong Kong Sheng Kung Hui Compound and Government House at Upper Albert Road, the former Central Government Offices at Lower Albert Road, St. John's Cathedral at Garden Road and the former French Mission Building at Battery Path, Central, Hong Kong
(MPC Paper No. Y/H4/12)

3. The Committee noted that the applicant’s representative requested on 2.3.2018 deferment of the consideration of the application for two months in order to allow time to prepare response to departmental and public comments. It was the first time that the applicant requested deferment of the application.

4. 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.

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

Kowloon District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K9/11 Application for Amendment to the Approved Hung Hom Outline Zoning Plan No. S/K9/26, To Rezone the Application Site from “Residential (Group A) 4” to “Residential (Group A) 7”, 23 Winslow Street, Hung Hom, Kowloon

(MPC Paper No. Y/K9/11)

5. The Secretary reported that the application was for proposed rezoning from “Residential (Group A) 4” (“R(A)4”) to “Residential (Group A) 7” (“R(A)7”) to facilitate the continuous operation of a columbarium. The following Members had declared interests on the item:

Mr Lincoln L.H. Huang <i>(the Vice-chairman)</i>	} being a member of the Private Columbaria } Appeal Board.
Mr Sunny L.K. Ho	

6. As the interests of Mr Lincoln L.H Huang and Mr Sunny L.K. Ho were not direct, the Committee agreed that they could stay in the meeting.

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

Mr Tom C.K. Yip	- District Planning Officer/Kowloon (DPO/K), PlanD
Ms Tsui Mei Yuk	- Applicant
Mr Cheung Hang Chun	- Applicant’s representative

Presentation and Question Sessions

8. The Chairman extended a welcome and explained the procedure of the hearing. He then invited PlanD's representative to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr Tom C.K. Yip, DPO/K, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning of the site from "R(A)4" to "R(A)7" with 'Columbarium' included as a Column 2 use to facilitate the continuous operation of a columbarium on the G/F of the subject building;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport had reservation on the application as the applicant had failed to demonstrate that the subject columbarium would not create adverse traffic impact. The Commissioner of Police had reservation on the application because there was concern that if the 606 niches of the subject columbarium were fully interred and the other columbaria in the area were operating at full scale, adverse traffic impact and overcrowding issue might occur. The Director of Environmental Protection had no objection to the application, but advised that funeral business was active around Winslow Street, where complaints related to air nuisance caused by on-street burning of paper offerings had been received from the Kowloon City District Council (KCDC) members and local residents. According to the District Officer (Kowloon City), Home Affairs Department, KCDC had unanimously passed the resolutions requesting the Government to stop issuing licences to the columbarium operators in Hung Hom and objecting to the continuous proliferation of funeral service business/columbarium in Hung Hom. 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 period, a total of 48

public comments objecting to the application were received from KCDC members, landlords of upper floor units in the subject building, Owners' Incorporations of nearby buildings, a Legislative Council member, the Alliance for the Concern over Columbarium Policy and individuals. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The inclusion of 'Columbarium' as a Column 2 use was fundamentally not in line with the planning intention for residential uses on the site and in the area. The subject columbarium created land use conflict with residential uses within the subject building and in the surroundings, and was not in compliance with town planning and land lease requirements. According to the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-154, columbarium facilities should only be accommodated in non-domestic buildings. Approval of the application would set an undesirable precedent and encourage similar applications. The cumulative effect of approving similar applications would result in further proliferation of columbarium use in the residential area of Hung Hom, thereby aggravating the land use conflict/incompatibility in the residential area, and might worsen the traffic condition and nuisance in the area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

9. The Chairman then invited Ms Tsui Mei Yuk, the applicant, to elaborate on the application. The applicant made the following main points:

- (a) according to the Census and Statistics Department, the number of deaths in 2017 was 46,000 with 36,000 opting for cremation and 10,000 opting for burial. The Government was unable to provide sufficient permanent niches to meet the territorial demand;
- (b) the subject columbarium, which provided niches on a daily or monthly

rental basis, could provide a temporary storage for ashes until a permanent niche from the Government or the Chinese Permanent Cemeteries could be secured, which normally took two to five years;

- (c) the improper temporary storage of ashes provided by coffin shops was considered disrespectful toward the deceased; and
- (d) the columbaria could not newly let out niches after the Private Columbaria Ordinance (PCO) came into effect in June 2017 until a licence was granted, so that temporary storage of ashes was needed. The families of the deceased expressed sadness for being unable to rent niches to temporarily store the ashes.

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

10. As the presentations of PlanD's representative and the applicant were completed, the Chairman invited questions from Members.

11. Some Members raised the following questions:

- (a) noting that there were about 27 columbaria providing temporary storage of ashes in Hung Hom area without obtaining planning permission, whether the Government would take any action to regulate the operation of such columbaria;
- (b) whether the applicant had applied for a licence for the subject columbarium and how to comply with the licensing requirement;
- (c) the statutory planning requirements that the subject columbarium had to comply with;
- (d) whether there were any alternative locations meeting the statutory planning requirements for the provision of temporary storage of ashes in the Hung Hom area;

- (e) the Government's transitional arrangement for temporary storage of ashes; and
- (f) noting that the subject columbarium was to provide a temporary storage of ashes before the family of the deceased could secure a permanent niche, whether it could be regarded as temporary in nature as such business would no longer be needed once sufficient transitional arrangement for temporary storage of ashes was provided by the Government.

12. Mr Tom C.K. Yip, DPO/K, made the following responses:

- (a) the PCO, which regulated the operation of private columbaria through a licensing scheme, came into effect on 30.6.2017, followed by a nine-month grace period, i.e. until 29.3.2018, for the operators of the columbaria to apply for licence, exemption or temporary suspension of liability (TSOL) from the Private Columbaria Licensing Board (PCLB). Should the operators fail to obtain a licence, an exemption or TSOL, PCLB and the relevant departments could take enforcement action against the concerned columbaria under the PCO;
- (b) a set of composite application for licence and TSOL from the subject columbarium was received by the Food and Environmental Hygiene Department (FEHD) on 26.2.2018 and was under processing. To apply for a licence, the subject columbarium had to comply with all statutory and government requirements, including building, land, planning, fire safety and environment-related requirements. Should the licence be granted, the subject columbarium could continue its operation, and sell and let out new niches. Since the subject columbarium commenced operation in 2012, it was not eligible for application for an exemption, which was only applicable to columbarium commenced operation before 1.1.1990. To apply for an exemption, the columbarium was not required to comply with the statutory planning requirements. A columbarium with an exemption could maintain its existing operation but could not sell or let out new niches.

The operator seeking to apply for a licence or an exemption might also apply for a TSOL if the columbarium needed time to meet the relevant requirements for a licence or an exemption. The TSOL would allow the columbarium to continue its operation while it must take all necessary steps to meet the requirements for the issue of a licence or an exemption;

- (c) the subject columbarium had to comply with the statutory planning requirements set out in the Outline Zoning Plan (OZP) in any of the following three scenarios: (i) it was a Column 1 use under the concerned zoning which was always permitted; (ii) it was a Column 2 use but with planning permission from the Town Planning Board (the Board); or (iii) it was an 'existing use', which existed and had continued before the publication in the Gazette of the notice of the first statutory plan, i.e. 29 June 1956, covering the site, or was a use approved under the Buildings Ordinance;
- (d) all columbaria currently operated in the Hung Hom area did not comply with the statutory planning and land-related requirements;
- (e) from his understanding, FEHD would follow up with the transitional arrangement. Nevertheless, a validity period of three years would be given to the operators of the columbarium to comply with relevant statutory requirements if a TSOL was issued to them, and the existing ashes were not required to be moved away before the validity of the TSOL had expired; and
- (f) the subject columbarium was regarded as permanent in nature and was required to comply with the PCO. To cater for the growing demand of niches in Hong Kong, the Food and Health Bureau and FEHD had been striving to increase the supply of public niches and regulate the operation of private niches. Funeral parlours and licenced columbaria could also provide temporary storage of ashes.

13. Some Members raised the following questions:
- (a) the difficulties the applicant were currently facing;
 - (b) any deficiencies of the Government's arrangement on the allocation of permanent niches;
 - (c) when the existing ashes stored in the subject columbarium would be removed should the application be rejected; and
 - (d) the reasons for charging high rental, i.e. around \$400 to \$500 per month, of the niches in the subject columbarium.
14. Ms Tsui Mei Yuk, the applicant, made the following responses:
- (a) the family of the deceased would have to get back the ashes if the PCLB did not grant the licence for the subject columbarium. Although coffin shops also provided temporary storage of ashes, the ashes were improperly stored in drawers or plastic boxes. Meanwhile, the Government provided temporary storage of ashes in Wo Hop Shek and Kwai Chung, charging a monthly rental at \$80 and the family of the deceased was not allowed to go and worship;
 - (b) it normally took around four years for the family of the deceased to secure a permanent niche from the Government or the Chinese Permanent Cemeteries. Whenever there were new niches available, the family of the deceased could make an application, and the allocation of new niches would follow the result of the computer ballot regardless of the number of years that the deceased had passed away;
 - (c) upon receipt of the formal notice by FEHD, the existing ashes would have to be removed if a licence was not granted to the subject columbarium by the PCLB; and

- (d) the rental was used to cover the necessary operational cost of the subject columbarium, and niches would be rented for free to dead infants and murdered victims.

15. In response to the Chairman's questions on the subject matter of the application and the context of the site and its surrounding areas, Mr Tom C.K. Yip, DPO/K, said that the applicant proposed to rezone the site from "R(A)4" to "R(A)7" on the Hung Hom OZP with 'Columbarium' included as a Column 2 use. The site was currently occupied by an existing 6-storey building with the subject columbarium operating on the G/F and domestic use at the upper floors. The adjoining premises at the street level were also occupied by funeral-related businesses. The Chairman further enquired about the ownership of the subject premises and when the subject columbarium commenced operation, Ms Tsui Mei Yuk, the applicant, said that she was a tenant of the subject premises, and the subject columbarium commenced operation in 2012.

16. As the applicant had no further points to raise and there were no further questions from Members, the Chairman informed the applicant that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform them of the Committee's decision in due course. The Chairman thanked the representative of PlanD, the applicant and the applicant's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

17. The Chairman said that in view of the enactment of the PCO, it was anticipated that similar applications to facilitate the continuous operation of the existing columbarium would be received by the Board to fulfil the licensing requirements under the PCO.

18. Some Members did not agree to the application as the applicant had not provided strong justification to support the application, the subject columbarium was considered not compatible with the surrounding residential use, and there were adverse departmental and public comments. A Member also did not support the application as approval of the application would lead to the rezoning of the site from "R(A)4" to "R(A)7", and given that there were many similar columbaria in the area, approval of the application might open a

floodgate encouraging similar rezoning applications.

19. Another Member concurred with the above view but said that given the existence of the funeral parlours, funeral-related businesses including columbaria had long been operated in the Hung Hom area. Nonetheless, the land use zoning of the area was mainly intended for residential use, and funeral-related businesses were not in line with the planning intention. Given that there were demand for funeral-related businesses and temporary storage of ashes and there was no alternative location to accommodate such uses, relevant bureaux/departments might have to consider carefully and plan comprehensively on how to regulate the operation and existence of such uses.

20. A Member considered that even if the rezoning application was approved by the Committee, the operator of the subject columbarium would still be required to apply for planning permission for columbarium use under section 16 of the Town Planning Ordinance and had to prepare relevant technical assessments such as traffic impact assessment to justify the application.

21. The Vice-chairman considered that the subject columbarium was regarded as permanent in nature notwithstanding the applicant's claim that it was for temporary storage of ashes because it would continue to operate as the niches would be rented out again once they had been vacated, and it also allowed space for the family members to worship the deceased. The Vice-chairman further said that relevant bureaux/departments should look into the issue of provision of temporary storage of ashes by the Government, and the Government could also promote disposition of ashes at home to serve as a transitional arrangement before a permanent niche could be secured for the deceased.

22. A Member shared a different view in that Chinese people would not prefer keeping ashes at home and would wish to properly worship their deceased, and hence a proper temporary storage of ashes was necessary. The Vice-chairman concurred with the view but considered that the subject premises were not suitable for columbarium use on the ground of land use incompatibility. Besides, a Member considered that it was worthwhile for concerned department to examine the possibility of vacating and re-filling niches that had been interred for a long time ago in order to cater for the increasing demand of niches.

23. A Member said that columbarium was a very profitable business and that was the major reason for the proliferation of illegal private columbaria in Hong Kong. In considering an application for a columbarium development, it was essential to consider its nature and economy of scale, whether it was compatible with the surrounding uses and whether it would provide any planning gains to the community.

24. The Chairman supplemented that funeral-related services could be classified into three types, including services provided by undertaker of burials, funeral parlour and columbarium. While the first type would be considered as 'Shop and Services' use, a number of undertakers of burials in Hung Hom were currently providing temporary storage of ashes. Meanwhile, the Government had been striving to increase the supply of public niches and regulate the operation of private niches under the PCO. Members generally did not agree to the application.

25. After deliberation, the Committee decided to reject the application for the following reasons:

- “(a) the proposed “Residential (Group A) 7” zone to facilitate a columbarium use on the site is not in line with the planning intention of the “Residential (Group A)” zone. The ‘Columbarium’ use is in conflict with the residential use within the subject building and in the surroundings;
- (b) the applicant has failed to demonstrate that the columbarium use would not create adverse traffic impact on the area; and
- (c) approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such applications would result in aggravation of land use conflict/incompatibility and adverse traffic impact in the residential area.”

[Mr Stephen H.B. Yau arrived to join the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K5/782 Proposed Shop and Services, Eating Place, Office and School
(Cookery-related) in “Residential (Group A) 7” Zone, 58 Castle Peak
Road, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K5/782A)

26. Kenneth To & Associates Ltd. (KTA) and Rocco Design Architects Ltd. (RDA) 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 KTA and RDA; and

Mr Dominic K.K. Lam - having past business dealings with RDA.

27. The Committee noted the applicant had requested deferment of consideration of the application. As Mr Patrick H.T. Lau had no involvement in the application and the interest of Mr Dominic K.K. Lam was not direct, the Committee agreed that they could stay in the meeting.

28. The Committee noted that the applicant’s representative requested on 23.2.2018 deferment of consideration of the application for two months in order to allow time for the preparation of the necessary information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant submitted two sets of further information in response to departmental comments received.

29. 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 of the application 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.

[Dr Frankie W.C. Yeung arrived to join the meeting at this point.]

[Ms Esther M.Y. Tang, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/793 Proposed Hotel in "Residential (Group A) 8" Zone, 452 Castle Peak Road, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K5/793)

30. The Secretary reported that a Sham Shui Po District Council (SSPDC) member, Mr Chum Tak Shing, submitted a letter prior to the meeting objecting to the application.

31. The Committee noted that two replacement pages (page 6 of Main Paper and page 1 of Appendix IV) with revision of comments from the District Lands Officer/Kowloon were dispatched to Members before the meeting.

Presentation and Question Sessions

32. With the aid of a PowerPoint presentation, Ms Esther M.Y. Tang, STP/TWK, 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 Chief Building Surveyor/Kowloon, Buildings Department considered that the proposed hotel layout was not acceptable. The Commissioner for Transport did not support the application as no traffic impact assessment had been submitted to demonstrate no adverse traffic impact from the proposal. According to the District Officer (Sham Shui Po), Home Affairs Department, the Housing Affairs Committee of SSPDC objected to the application on the grounds that the application would adversely affect the traffic, pedestrian flow and environmental hygiene in the vicinity, as well as the structure of the nearby building, and the applicant failed to provide relevant assessment reports to ease members’ concerns. 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 period, a total of 16 public comments objecting to the application were received from a SSPDC member and individuals. Major objection grounds were set out in paragraph 9 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 10 of the Paper. The proposed hotel was not in line with the planning intention of the “Residential (Group A) 8” (“R(A)8”) zone which was intended primarily for high-density residential developments. It would result in reduction of sites available for residential developments and the supply of housing land in meeting the pressing housing demand over the territory. The applicant did not provide strong justification that the site was very conducive for hotel development or the proposed hotel would meet a specific planning objective. Regarding the applicant’s claim that the small size of the site

made it not viable for domestic use to meet the related regulations, an additional allowance of 20m of building height would be permitted for residential sites with an area of 400m² or more under the “R(A)8” zone to encourage amalgamation of small sites. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

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

33. Some Members raised the following questions:

- (a) the current status of a similar application for hotel development in Cheung Sha Wan approved in 2013; and
- (b) the gross floor area (GFA) of the subject tenement building and the maximum permissible GFA of the subject site upon redevelopment.

34. Ms Esther M.Y. Tang, STP/TWK, made the following responses:

- (a) the planning permission of the application (No. A/K5/730) had lapsed and the concerned site was now used for residential development; and
- (b) it was estimated that the existing GFA of the subject tenement building should be about 412m², i.e. 103m² (site area) x 4 (storeys). Should the subject site be redeveloped for residential development, a maximum domestic plot ratio of 7.5 was permitted under the Outline Zoning Plan.

Deliberation Session

35. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the application is not in line with the planning intention of the

“Residential (Group A) 8” zone which is for high-density residential developments. The site is located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory;

- (b) the submission fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.”

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/TW/492 Proposed Vehicle Repair Workshop in “Residential (Group E)” Zone, G/F (Part) and M/F (Part), Safety Godown, Kwai Chung Town Lot 165, 132–140 (even numbers only), Kwok Shui Road, Kwai Chung, New Territories
(MPC Paper No. A/TW/492A)

36. The Secretary reported that LLA Consultancy Ltd. (LLA) was one of the consultants of the applicant. Mr Patrick H.T. Lau, who had past business dealings with LLA, had declared an interest on the item.

37. The Committee noted the applicant had requested deferment of consideration of

the application. As the interest of Mr Patrick H.T. Lau was not direct, the Committee agreed that he could stay in the meeting.

38. The Committee noted that the applicant's representative requested on 28.2.2018 deferment of consideration of the application for one month in order to allow time for the preparation of further information to address the comments from the Transport Department and the Lands Department. It was the second time that the applicant requested for deferment of the application.

39. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information. Since it was the second deferment of the application and a total of two 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 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/496 Proposed Temporary Information Technology and Telecommunications Industries (Data Centre) and Ancillary Office for a Period of 3 Years in "Comprehensive Development Area (5)" Zone, G/F to 7/F, 145-159 Yeung Uk Road, Tsuen Wan, New Territories
(MPC Paper No. A/TW/496)

40. The Secretary reported that the application was submitted by Top Merchant Investments Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Llewelyn-Davies Hong Kong Ltd. (LD) was one of the consultants of the applicant. The

following Members had declared interests on the item:

- Mr K.K. Cheung - his firm having current business dealings with SHK;
- Mr Thomas O.S. Ho - having current business dealings with SHK;
- Mr Patrick H.T. Lau - having current business dealings with SHK and LD;
- Mr Franklin Yu - having past business dealings with SHK, and his spouse being an employee of SHK; and
- Mr Wilson Y.W. Fung - being the Director of the Hong Kong Business Accountants Association which had obtained sponsorship from SHK before.

41. The Committee noted that Mr K.K. Cheung and Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting, and the applicant had requested deferment of consideration of the application. The Committee also agreed that Mr Patrick H.T. Lau could stay in the meeting but should refrain from participating in the discussion as his interest is direct. As the interests of Mr Franklin Yu and Mr Wilson Y.W. Fung were not direct, the Committee agreed that they could stay in the meeting.

42. The Committee noted that the applicant's representative requested on 12.3.2018 deferment of the consideration of the application for one month in order to allow time to further liaise with the Transport Department (TD) regarding its comments. It was the first time that the applicant requested deferment of the application.

43. 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

further information to address comments of the Drainage Services Department. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/134 Proposed Temporary Concrete Batching Plant for a Period of Five Years in "Other Specified Uses" annotated "Boatyard and Marine-oriented Industrial Uses" Zone, Tsing Yi Town Lots 14 and 15 and Adjoining Government Land, Tam Kon Shan Road, Tsing Yi, New Territories
(MPC Paper No. A/TY/134D)

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

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

Mr Thomas O.S. Ho - his firm having past business dealings with BMT and involving concrete business.

49. The Committee noted that Mr Thomas O.S. Ho had tendered an apology 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.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary concrete batching plant for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 8 and Appendix V of the Paper. The Director of Marine (D of Marine) did not support the application as the applicant failed to demonstrate that the proposed development would not have adverse impact on marine traffic and shipyards nearby. There was also insufficient information to demonstrate that the proposed berthing or docking operation/arrangement to the cradle structure was safe, feasible and practicable. The assessment also failed to demonstrate that the proposed berthing or docking operation could be implemented safely under the existing slipway and site conditions without causing interference to the safe navigation of vessels in the vicinity. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 659 public comments were received from the Kwai Tsing District Council members, Tung Yee Shipbuilding and Repairing Merchants General Association Limited, Leung Wan Kee Shipyard Limited, Queen's College

Old Boys' Association Secondary School, CNEC Lui Ming Choi Primary School, Tsing Yi Ship Building Workers' Health Concern Group and individuals. Among the public comments received, there were 652 comments objecting to the application while seven mainly offered comments on the proposal. Major views and objection grounds were set out in paragraph 9 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 10 of the Paper. Although the proposed use was considered not in conflict with the planning intention and relevant government departments considered that their concerns could be addressed through incorporation of approval conditions, D of Marine did not support the application based on the reasons set out above. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

51. Noting that there was a similar approved application for temporary concrete batching plant at a site nearby, the Vice-chairman asked about the differences between the two applications. In response, Mr Stephen C.Y. Chan, STP/TWK, said that the water depth close to subject site was about 2m to 3m and there was no existing berth for unloading at the subject site. For the approved application, the water depth was up to about 9m with an existing berth for unloading, and it was located further away from the residential area as compared with the subject site. Hence, the Marine Department (MD) had no adverse comment on the approved application.

52. Some Members raised the following questions:

- (a) the length of the existing slipway at the site and whether the slipway fell outside the lot boundary;
- (b) the operation of the proposed concrete batching plant and its possible impact on air quality;
- (c) the land status of the subject site;

- (d) the proposed transportation arrangement for the delivery of raw materials for concrete production and the ready mixed concrete;
- (e) whether the proposed barging operation was a new technology;
- (f) whether the applicant had liaised with MD to address its concerns on marine safety after the previous application for the same use on the subject site was rejected by the Committee in December 2015; and
- (g) whether there was any statutory provision for MD to monitor the feasibility and safety of the proposed barging operation should the application be approved.

53. Mr Stephen C.Y. Chan, STP/TWK, made the following responses:

- (a) the applicant claimed that, according to the information given by the ex-owner of the subject site and the marine consultant of the application, the existing slipway was 180m long with part of it covered by the sea; while the Buildings Department stated that the slipway was approximately 42m long as indicated on the approved building plans. There was not enough information to verify the exact length of the slipway. According to the Lands Department (LandsD), the slipway fell outside the lot boundary;
- (b) the basic operation of the proposed concrete batching plant was generally the same as those in Tsing Yi North and West with concrete mixing normally taking place in an enclosed environment. The applicant had submitted an environmental assessment report to demonstrate that no significant impact on air quality and noise would be generated from the proposed concrete batching plant with the implementation of mitigation measures. The Environmental Protection Department (EPD) had no comment on the application;

- (c) the site fell within two lots. One of the lots was subject to a temporary waiver for erection and operation of an existing jetty. The site also included a piece of government land currently let under Short Term Tenancy for open storage use where maintenance of a culvert underneath should be allowed. Should the application be approved, the applicant should apply for temporary waiver and lease modification from LandsD;
- (d) raw materials such as aggregates and cement would be delivered to the site by barges from Mainland China and Tuen Mun respectively; while admixture which was also a raw material and the ready mixed concrete would be delivered by trucks;
- (e) according to the applicant, the proposed berthing/docking operation was generally developed from the ship repair berthing/docking method used for many years at the existing slipway location. Nonetheless, MD considered that there was insufficient information provided by the applicant to demonstrate that the proposed mooring of a 775-tonne barge to the cradle structure under the existing slipway and site conditions was safe, feasible and practicable;
- (f) a different mooring arrangement for the barge by using private mooring facility had been proposed under the previous application, but such arrangement was not supported by MD and the application was rejected by the Committee. As such, the applicant had appointed a consultant to further examine the barging operation and proposed another mooring arrangement under the subject application. Yet, MD still did not support the application from marine safety point of view; and
- (g) it was understood that there should be statutory provision under relevant ordinance for MD to supervise the marine safety issue.

54. In response to a Member's enquiry on environmental impacts arising from the proposed concrete batching plant and the environmental concerns raised by the public, Mr Tony W.H. Cheung, Principal Environmental Protection Officer (Metro Assessment), EPD,

said that, in general, operation of concrete batching plants, including their vehicular access to/from the plants, would have the potential of causing environmental nuisances to the nearby environmental sensitive uses. As such, avoidance of these potential environmental nuisances should be considered at the planning stage as far as possible. In this regard, the applicant should be reminded to consider adopting the best practical means to avoid potential environmental nuisance that might be caused by its operation. Mr Cheung also pointed out that a specified process (SP) license under the Air Pollution Control Ordinance (APCO) would be required for concrete batching plants with a silo capacity exceeding 50 tonnes. For application of the SP license under the APCO, the applicant should be reminded that the authority would take into account whether best practical means were adopted by the owner of the concrete batching plant with a view to preventing emissions of noxious or offensive emissions, among other factors.

Deliberation Session

55. The Chairman said that the previous application was rejected on the grounds of adverse impacts on road traffic and marine safety. As to the subject application, relevant traffic concerns had been already addressed, but MD's concerns on marine safety still remained. A Member did not support the application as the applicant failed to demonstrate that the proposed barging operation was safe and feasible.

56. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 11 of the Paper and considered that it was appropriate. The reason was:

“the applicant fails to demonstrate that the proposed barging operation by using slipway for the proposed concrete batching plant was feasible, practicable and safe and would not have adverse impact on marine safety and the shipyards nearby.”

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

[Ms Sandy H.Y. Wong left the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/135 Temporary Asphalt Plant for a Period of 5 Years in “Industrial” Zone,
Tsing Yi Town Lot 108 RP (Part), Tsing Yi, New Territories
(MPC Paper No. A/TY/135)

[Rescheduled]

[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/K13/309 Proposed Shop and Services in “Other Specified Uses” annotated
“Business” Zone, Unit 9, G/F, Kam Hon Industrial Building, 8 Wang
Kwun Road, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/309)

57. The Secretary reported that Pong Yuen Sun Louis of Liau, Ho & Chan Solicitors & Notaries (LHC) was one of the consultants of the applicant. Ms Sandy H.Y. Wong, who had current business dealings with LHC, had declared an interest on the item.

58. The Committee noted that Ms Sandy H.Y. Wong had already left the meeting.

Presentation and Question Sessions

59. 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. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was in line with the planning intention and was not incompatible with the surrounding areas. The proposed use also complied with the Town Planning Board Guidelines No. 22D for Development within the “Other Specified Use” annotated “Business” zone 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. The aggregate commercial floor area on the G/F including the premises, if approved, would amount to about 142m², which was still within the permissible limit of 460m².

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.3.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following 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 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 was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.”

62. 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.]

Agenda Item 13

Any Other Business

Valediction

63. As this was the last MPC meeting of the current term of membership, the Chairman took the opportunity to thank Members for their dedication and support to the work for the Committee over the past two years.

64. There being no other business, the meeting closed at 11:15 a.m..