

## **TOWN PLANNING BOARD**

### **Minutes of 602<sup>nd</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 20.4.2018**

#### **Present**

Director of Planning Mr Raymond K.W. Lee	Chairman
Mr Lincoln L.H. Huang	Vice-chairman
Mr Sunny L.K. Ho	
Mr Stephen H.B. Yau	
Dr Lawrence W.C. Poon	
Mr Wilson Y.W. Fung	
Mr Alex T.H. Lai	
Professor T.S. Liu	
Ms Sandy H.Y. Wong	
Mr Franklin Yu	
Mr Stanley T.S. Choi	
Mr Daniel K.S. Lau	
Ms Lilian S.K. Law	
Professor John C.Y. Ng	
Professor Jonathan W.C. Wong	

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

## Absent with Apologies

Dr Frankie W.C. Yeung

Mr Thomas O.S. Ho

## **In Attendance**

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

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

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

## **Agenda Item 1**

Confirmation of the Draft Minutes of the 601<sup>st</sup> MPC Meeting held on 6.4.2018

[Open Meeting]

1. The draft minutes of the 601<sup>st</sup> MPC meeting held on 6.4.2018 were confirmed with amendments to Agenda Item 3 proposed by a Member.

## **Agenda Item 2**

Matters Arising

[Open Meeting]

2. The secretary reported that an error was spotted in paragraph 58 of the confirmed minutes of the 600<sup>th</sup> MPC meeting. The minutes should record that Ms Sandy H.Y. Wong had already left the meeting. The revised minutes should read as follows:

“58. ~~As Ms Sandy H.Y. Wong had no involvement in the application, the Committee agreed that she could stay in the meeting. The Committee noted that Ms Sandy H.Y. Wong had already left the meeting.~~”

3. The Committee agreed that the confirmed minutes of the 600<sup>th</sup> MPC meeting held on 16.3.2018 should be revised to incorporate the above amendment, and the revised minutes would be uploaded to the Town Planning Board website accordingly.

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

- Y/TW/13              Application for Amendment to the Approved Tsuen Wan Outline Zoning Plan No. S/TW/33, To Rezone the Application Site from “Other Specified Uses” annotated “Sports and Recreation Club” to “Residential (Group B) 6”, Hilltop Country Club, Hilltop Road, Tsuen Wan, New Territories  

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(MPC Paper No. Y/TW/13)

4.              The Secretary reported that the application site was located in Tsuen Wan. Kenneth To & Associates Limited (KTA), Wong & Ouyang (HK) Limited (WOHK), MVA Hong Kong Limited (MVA) and Mott MacDonald Hong Kong Limited (MMHK) were four of the consultants of the applicant. The following Members had declared interests on this item:

- |                        |  |
|------------------------|--|
| Mr Thomas O.S. Ho      | - his firm having current business dealings with MVA and MMHK;   |
| Mr Franklin Yu         | - having current business dealings with Wong & Ouyang (Building Services) Limited which was related to WOHK, and<br>- having past business dealings with MVA and MMHK; |
| Mr Daniel K.S. Lau     | - his firm having current business dealings with KTA;  |
| Mr Stanley T.S. Choi   | - spouse being a director of a company which owns a property in Tsuen Wan; and   |
| Professor John C.Y. Ng | - spouse owning a flat in Tsuen Wan.   |

5. The Committee noted that Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting and Mr Franklin Yu had yet to arrive to join the meeting, and the applicant had requested deferment of consideration of the application. As Mr Daniel K.S. Lau had no involvement in the application, and the properties owned by the company of Mr Stanley T.S. Choi's spouse and Professor John C.Y. Ng's spouse did not have a direct view of the application site, the Committee agreed that they could stay in the meeting.

6. The Committee noted that the applicant's representative requested on 29.3.2018 deferment of the consideration of the application so as to allow time to address the departmental comments. It was the first time that the applicant requested deferment of the application.

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

## **Kowloon District**

### **Agenda Item 4**

#### **Section 12A Application**

[Open Meeting]

Y/K22/3              Application for Amendment to the Draft Kai Tak Outline Zoning Plan No. S/K22/5, To Rezone the Application Site from “Other Specified Uses” annotated “Tunnel Ventilation Shaft” and “Government, Institution or Community” to “Commercial (9)”, Lucky Building, 3-5 San Ma Tau Street, Ma Tau Kok, Kowloon  
(MPC Paper No. Y/K22/3A)

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8.        The Secretary reported that Kenneth To & Associates Limited (KTA), Ronald Lu & Partners (Hong Kong) Limited (RLP), MVA Hong Kong Limited (MVA) and Ove Arup & Partners Hong Kong Limited (OAP) were four of the consultants of the applicant. The following Members had declared interests on this item:

- |                    |   |
|--------------------|---|
| Mr Thomas O.S. Ho  | - having current business dealings with RLP and his firm having current business dealings with MVA; |
| Mr Alex T.H. Lai   | - his firm having current business dealings with OAP;   |
| Mr Franklin Yu     | - having past business dealings with MVA and OAP; and   |
| Mr Daniel K.S. Lau | - his firm having current business dealings with KTA.   |

9.        The Committee noted that Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting and Mr Franklin Yu had yet to arrive to join the meeting, and the applicant had requested deferment of consideration of the application. As Messrs Alex T.H. Lai and Daniel K.S. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

10. The Committee noted that the applicant's representative requested on 4.4.2018 for deferment of the consideration of the application for two months in order to allow more time for preparation of the Quantitative Risk Assessment (QRA). It was the second time that the applicant had requested deferment of the application. Since the first deferment, the applicant had not submitted any further information as the QRA could only be conducted recently by the operator of the Gas Works.

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

### **Tsuen Wan and West Kowloon District**

#### **Agenda Item 5**

##### **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, 132-140 Kwok Shui Road,  
Kwai Chung (Kwai Chung Town Lot 165), New Territories  
(MPC Paper No. A/TW/492B)

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12. The Committee noted that the applicant's representative requested on 29.3.2018 for deferment of the consideration of the application for one month so as to allow

time for preparation of further information to address the comments from the Transport Department and Lands Department. It was the third time that the applicant requested deferment of the application.

13. 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 three months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

### **Hong Kong District**

#### **Agenda Item 6**

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

[Open Meeting (Presentation and Question Sessions Only)]

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/H6/82)

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14. The Committee noted that the application was withdrawn by the applicant.

[Mr Anthony K.O. Luk, Senior Town Planner/Hong Kong (STP/HK) was invited to the meeting at this point.]

[Mr Lincoln L.H. Huang and Ms Sandy H.Y. Wong arrived to join the meeting at this point.]

## **Agenda Item 7**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/176              Renewal of Planning Approval for Temporary “Private Club (Recreation Facilities)” for a Period of 5 Years in “Residential (Group C) 1” Zone, 48 Shan Kwong Road, Happy Valley, Hong Kong  
(MPC Paper No. A/H7/176)

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15.        The Secretary reported that the application site was located in Happy Valley and the application was submitted by the Hong Kong Jockey Club (HKJC). Maunsell Consultants Asia Limited (MCA) was one of the consultants of the applicant. The following Members had declared interests on the item:

- |                       |   |                                       |
|-----------------------|---|---------------------------------------|
| Dr Frankie W.C. Yeung | - being a horse owner and an ordinary member of the HKJC and the Hong Kong Racehorse Owners Association Limited;  |                                       |
| Mr Wilson Y.W. Fung   | }   | being an ordinary member of the HKJC; |
| Mr Thomas O.S. Ho     |   |                                       |
| Professor T.S. Liu    | - being an ordinary member of the HKJC and Principal Investigator of a community project funded by the HKJC Charities Trust;  |                                       |
| Mr Alex T.H. Lai      | - being an ordinary member of the HKJC and the Hong Kong Racehorse Owners Association Limited and a former horse owner,<br>- his firm having past business dealings with MCA, and |                                       |

- his parents co-owning a flat in Happy Valley;
- Ms Lilian S.K. Law
  - being an ordinary member of the HKJC,
  - co-owning with spouse a flat in Happy Valley;
- Mr Stephen H.B. Yau
  - his organisation having obtained sponsorship from HKJC on some projects before; and
- Mr Stanley T.S. Choi
  - his organisation having obtained sponsorship from HKJC.

16. The Committee noted that Dr Frankie W.C. Yeung and Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting. The Committee also noted that according to the Procedure and Practice of the Town Planning Board, Member or his/her spouse who was an ordinary/corporate member of a club, association, union or other bodies would not constitute a conflict of interest if the Member or his/her spouse was not directly involved in the matter under consideration. Following the Procedure and Practice, Members who were just ordinary members of the HKJC or Racehorse Owners Association Limited having no control over HKJC's planning of the temporary private club could be allowed to stay in the meeting. The Committee agreed that Mr Wilson Y.W. Fung, Professor T.S. Liu, Mr Alex T.H. Lai and Ms Lilian S.K. Law could stay in the meeting.

17. As the interests of Messrs Stephen H.B. Yau and Stanley T.S. Choi were indirect, Mr Alex T.H. Lai had no involvement in the application, and the properties co-owned by Mr Lai and spouse of Ms Lilian S.K. Law did not have a direct view of the application site, the Committee agreed that they could also stay in the meeting.

[Professor John C.Y. Ng arrived to join the meeting at this point.]

#### Presentation and Question Sessions

18. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the renewal of planning approval for temporary private club (recreation facilities) use under Application No. A/H7/163 for a period of five years until 1.5.2023;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication period, one public comment providing views on the application was received. The views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed temporary use was not in line with the planning intention of the “Residential (Group C)1” (‘R(C)1”) zone. The proposed temporary use was not incompatible with the surrounding areas. The approval of the renewal application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “R(C)1” zone. The renewal application also complied with the relevant assessment criteria in the Town Planning Guidelines (TPB PG) No. 34B in that six planning permissions were previously granted for temporary private club (recreation facilities) at the site. There had been no change in the planning circumstances and the land uses of the surrounding areas, and the approval period of five years was considered reasonable.

*Renewal Planning Applications and Long Term Planning of the Site*

19. Some Members raised the following questions:
- (a) when works on the Happy Valley Clubhouse Extension (HVCHE) commenced and when it would be completed;
  - (b) noting that the HKJC had applied for renewal of planning approval for

temporary private club at the site for six times, whether the HKJC had any intention to apply for rezoning of the site for the current use;

- (c) the HKJC's justifications for renewal of the previous planning approval and the total number of years that the planning permission had been extended;
- (d) whether there was any limit on the maximum number of applications for renewal of planning approval and whether the zoning of the site would remain as "R(C)1" after completion of the HVCHE;
- (e) when the site was first zoned "R(C)1" and what the previous zoning of the site was; and
- (f) when the recreational facilities started to operate at the site.

20. Mr Anthony K.O. Luk, STP/HK, made the following responses:

- (a) there was no information on the commencement date on works for the HVCHE. According to the applicant, the HVCHE was anticipated to be completed in 2020-2021 but the exact completion date was not confirmed;
- (b) the HKJC had not made any proposal to rezone the site from "R(C)1" to recreational use as the recreational facilities were being operated on a temporary basis;
- (c) according to the HKJC, the redevelopment proposal of the site was still at an early stage and various possible options such as clubhouse, recreational and sports facilities and/or residential were being examined. The HKJC expected to finalise the redevelopment proposal before the expiry of the planning approval being sought;
- (d) the extension of the temporary private club for a period of five years under the current application was necessary to provide continuous services to HKJC's members during the construction of the HVCHE and transition time was also needed for smooth operation of the new facilities upon

completion of the HVCHE;

- (e) details of the HKJC's justifications for the previous renewal applications were not at hand. However, in the last application, the HKJC claimed that more time was needed for planning of the proposed facilities at the HVCHE;
- (f) the planning permission that had been extended for a total of 30 years. There was no limit to the number of application for renewal of the planning approval under the Town Planning Ordinance. However, each renewal application was subject to the Committee's decision on consideration of individual merits;
- (g) the site was first zoned "Other Specified Uses" ("OU") annotated "Stable" in 1969. Upon the request by the HKJC, the Board agreed in 1981 to rezone the site from "OU" to "R(C)" and there had not been any change to the zoning of the site since then; and
- (h) the HKJC submitted the first planning application for temporary recreational facilities at the site in 1988.

#### *Land Ownership and Lease*

21. Some Members enquired whether HKJC was the owner of the site and if there were any restrictions under the lease. In response, Mr Simon S.W. Wang, Assistant Director (Regional 1), Lands Department said that the site was owned by the HKJC and the development of the site was governed by the lease which did not have any user restriction. Details of the lease were summarised in paragraph 10.1.1 of the Paper. Mr Anthony K.O. Luk, STP/HK supplemented that while the lease did not have any user restriction, the use of the site was subject to control the provision of the OZP.

#### Deliberation Session

#### *Renewal of Planning Approval and the Zoned Use*

22. Noting that there was no limit on the number of renewal applications, a Member

was concerned that approval of the current renewal application would defeat the planning intention of the “R(C)1” zoning of the site. The reasons put forth by the HKJC for the renewal application could not justify the continued use of the site for recreational use for such a long time.

23. The Secretary said that in considering renewal applications, the Board would make reference to the criteria set out in the Town Planning Board Guidelines No. 34B, including whether there had been any material change in planning circumstances since the previous temporary approval, whether there were any adverse planning implications arising from the renewal of the planning approval, whether the planning conditions under previous approval had been complied with, and whether the approval period sought was reasonable.

24. Some Members said that it was unreasonable for the HKJC to apply for temporary permission to use the site for recreational purpose for 30 years and considered that the HKJC should expedite the implementation of the zoned use so as to meet the acute housing demand in Hong Kong. Another Member was concerned that by allowing further renewal approval to the HKJC, it would set an undesirable precedent for similar cases.

#### *Land Ownership and Lease*

25. In response to a Member’s enquiry on whether the government could take back the ownership of the site from HKJC, Mr Simon S.W. Wang said that there was no provision in the lease for the government to take back the site from the HKJC.

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

#### *Renewal Period*

26. If the application was approved, a Member considered that the renewal period of five years sought by the applicant was appropriate as it would allow flexibility in the transition period for operation of the HVCHE. Some Members considered that a shorter renewal period of three years should be granted for closer monitoring of the progress of the redevelopment proposal of the site with a view to ensuring the site would be used for its planned purpose under the OZP.

27. In response to a Member's enquiry, the Secretary said that there were previous cases that a shorter approval period had been granted as considered appropriate by the Committee.

28. Members generally had no objection to the application but considered that the HKJC should expedite the implementation of the zoned use of the site. In view of the Members' concerns, the Committee agreed that a shorter approval period of three years should be granted instead of five years sought under the application.

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 1.5.2018 until 30.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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- “(a) the provision of fire service installations and water supplies for firefighting within six months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.11.2018; 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.”

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

- “(c) a shorter approval period of three years is recommended for closer monitoring of the progress of the redevelopment proposal of the site.”

[The Chairman thanked Mr Anthony K.O. Luk, STP/HK, for his attendance to answer Members' enquiries. Mr Luk left 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 8**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/114              School (Tutorial School) in “Residential (Group B)” Zone, Shops 2 & 3,  
                          G/F, 126 Waterloo Road, Kowloon  
                          (MPC Paper No. A/K7/114)

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31.              The Secretary reported that the application site was located in Ho Man Tin. Mr Stanley T.S. Choi had declared an interest on the item as he co-owned with spouse a flat in Ho Man Tin and his spouse was the director of a company which owned a parking space in Ho Man Tin.

32.              As the flat co-owned by Mr Stanley T.S. Choi and the parking space owned by the company of Mr Choi’s spouse did not have a direct view of the application site, the Committee agreed that he could stay in the meeting.

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

33.              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 school (tutorial school);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Officer (Kowloon City) had conveyed that the local residents and the concerned Kowloon City District

Council were concerned about the traffic congestion problem along Waterloo Road;

- (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 11 of the Paper. The tutorial school was considered in compliance with the Town Planning Board Guidelines No. 40 (TPB PG-No. 40) in that the premises was located on the ground floor of the residential building, the tutorial school was considered not incompatible with the surrounding uses, the main entrance/exit to the premises was separated from the entrance of domestic portion of the building, and concerned government departments had no objection to or adverse comment on the application from fire and building safety viewpoints. On the local concerns on traffic impact, no additional parking demand would be generated from the tutorial school. A previous application for the same use was approved by the Committee in 2006. The approval of the current application was consistent with the previous decision of the Committee.

#### *Planning Considerations*

34. Some Members raised the following questions:
- (a) noting that the access to the tutorial school was separated from the domestic portion of the building, whether the tutorial school had to be on the ground floor;
  - (b) details of the fire safety requirements which had to be met before the applicant could submit an application to the Education Bureau (EDB) for school registration; and
  - (c) whether the façade treatment and visual compatibility of the subject

premises, and number of existing tutorial schools in the same building were relevant considerations of a planning application.

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

- (a) according to the TPB PG-No. 40, the access to the tutorial school must be separated from that of the domestic portion of the building. Since 2000, there were 35 similar planning applications for tutorial schools in “Residential (Group B)” zone in the Boundary Street/Prince Edward Road West neighbourhood. Some of the applications on the ground floor were rejected as the premises shared access with the domestic portion of the building;
- (b) there was no information on the detailed fire safety requirements for tutorial schools. However, the Fire Services Department normally required the operator to provide fire hydrant, sprinkler system and fire escape route at the time of consideration of application for school registration; and
- (c) the number of existing tutorial schools in the same building was not a planning consideration in processing planning application for tutorial school.

36. In response to a Member’s question, the Chairman supplemented that façade treatment and visual compatibility would usually be taken into consideration by the Committee only when the site was located in visually sensitive area.

37. In response to a Member’s enquiry, Ms Johanna W.Y. Cheng, STP/K, said that according to the EDB’s guidelines, the school operators should first obtain a planning permission before the school licence could be issued by EDB.

38. In response to a Member’s enquiry on the previous approval, Ms Johanna W.Y. Cheng, STP/K, said that the planning permission of the previous application lapsed because the approved use had not commenced within the validity period.

## Deliberation Session

### *Unauthorised Operation*

39. In response to some Members' concerns and enquiries on operation of the tutorial school without a planning permission, the Secretary explained that the Planning Authority had no direct enforcement power in the urban area under the Town Planning Ordinance. Any unauthorised operation in the urban area would be subject to enforcement under the lease by the Lands Department, the Buildings Ordinance by the Buildings Department, and relevant licensing authorities. Nonetheless, before issuing the licence for school registration, EDB would consult PlanD to ensure the school had complied with the requirements stipulated on the Outline Zoning Plan or the conditions of a planning application approved by the Committee as well as the building and fire safety requirements of the concerned government departments.

### *Approval Conditions and Compliance Period*

40. In view of the concern about the fire safety aspect of the tutorial school involving children, a Member proposed to include an approval condition requiring the applicant to comply with the relevant licensing requirements for the school registration, should the application be approved. However, another Member opined that it might not be necessary for such approval condition as the school would have to comply with the licensing requirements under the relevant ordinance. The Chairman supplemented that for planning applications with uses already in operation before approval, if approved, an advisory clause would usually be included to remind the applicant to obtain the licence under the relevant ordinances prior to commencement of operation.

41. To ensure that the applicant would expedite the compliance of the fire safety condition, some Members suggested that for the approval condition on the requirement of fire service installations (FSIs), a 3-month compliance period could be specified for the submission of FSI while maintaining the overall 6-month compliance period for both submission and implementation of FSI.

42. The Secretary pointed out that while there were cases of two separate approval

conditions for the submission and implementation of FSI within 3- and 6-month periods respectively, a combined condition with 6-month compliance period for both the submission and implementation of FSI was consistent with the Committee's decisions on similar applications and was considered a reasonable length of compliance period taking into account the time required for submission and implementation by the applicant, and checking for compliance by the Fire Services Department.

43. A Member said that the proposal of specifying submission time of three months might not be an effective way to address the fire safety concern as the applicant would in any case be required to comply with the condition for implementation of FSIs within six months. The Vice-chairman said and other Members agreed that a consistent approach should be adopted in setting out the approval conditions for similar applications and there was no strong reason to impose a shorter compliance period for the subject application. Members generally agreed that the six-month compliance period for both submission and implementation of FSIs should be retained.

44. In view of some Members' grave concern on the fire safety aspect as the tutorial school would involve children and it was already in operation, the Committee agreed to a Member's proposal to include an advisory clause to remind the applicant to expedite the submission and implementation of FSIs.

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 was subject to the following conditions :

- "(a) the submission and implementation of fire service installations within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 20.10.2018; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice."

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

“(g) the proposal for fire service installations should be submitted to the Director of Fire Services for consideration as soon as possible.”

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

[Ms Jessie K.P. Kwan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

## **Agenda Item 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/757              Proposed Minor Relaxation of Building Height Restriction for Proposed Development for Office, Shop and Services and Eating Place Uses in “Other Specified Uses” annotated “Business” Zone, 350 Kwun Tong Road, Kwun Tong, Kowloon  
(MPC Paper No. A/K14/757)

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47.              The Secretary reported that Ove Arup & Partners Hong Kong Limited (OAP) was one of the consultants of the applicant. The following Members had declared interests on the item:

Mr Alex T.H. Lai              - his firm having current business dealings with OAP; and

Mr Franklin Yu              - having past business dealings with OAP.

48.              The Committee noted that Messrs Alex T.H. Lai and Franklin Yu had no involvement in the application, they could stay in the meeting.

### **Presentation and Question Sessions**

49. With the aid of a PowerPoint presentation, Ms Jessie K.P. Kwan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction (BHR) for proposed development for office, shop and services and eating place uses;
- (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, two public comments were received, one objecting to the application and another one providing views on the application. Major objection grounds and the views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed uses were in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and the transformation taking place in the Kwun Tong Business Area from industrial to business/commercial uses. The provision of the refuge floor cum communal sky garden would enhance the quality of the built environment and the proposed building setbacks would facilitate widening of pedestrian pavements and improve the streetscape. The proposed scheme fulfilled those criteria for consideration of minor relaxation of building height (BH) restrictions as set out in the Outline Zoning Plan. The proposal was not incompatible with the adjacent business developments, the proposed increase in BH was minor and would unlikely cause adverse visual impact. Three similar applications for minor relaxation of BH restrictions in Kowloon Bay had been approved with conditions by the Committee. The approval of the current application was consistent with the previous decisions of the Committee on the similar applications. Regarding the

adverse public comment, the planning assessments above were relevant.

*User of the Proposed Sky Garden*

50. In response a Member's enquiry, Ms Jessie K.P. Kwan, STP/K, said that according to the relevant Joint Practice Note (JPN), the communal sky garden might be exempted from gross floor area and/or site coverage (SC) calculations under the Buildings Ordinance, and the exclusive use of the facility by the owners, tenants and visitors of the building was one of the consideration criteria for such exemption. The sky garden was not open for public enjoyment to avoid unauthorised change of use of the sky garden to commercial uses, such as restaurants and shops.

*Design Requirements*

51. In response to a Member's enquiries, Ms Jessie K.P. Kwan, DPO/K, said that according to the "Code of Practice for Fire Safety in Buildings 2011" (FS Code), it was not a mandatory requirement to provide a refuge floor in the subject building. However, to meet the FS Code requirement on means of escape and with a view to better utilising the floor space, the applicant proposed a refuge floor cum sky garden in the mid-level of the building. The Buildings Department considered that the proposal was acceptable in principle.

52. Regarding the setback requirement, Ms Kwan responded that it was not a statutory requirement but would be included in the lease and the applicant had not claimed any bonus plot ratio for the setback. According to the information provided by the applicant, the proposed development had already reached the maximum SC permissible under the Buildings Ordinance.

53. In response to a Member's enquiries on the floor height of the proposed sky garden, Ms Kwan said that the minimum floor-to-floor height for a refuge floor was 2.3m. While the floor height of the sky garden would require 4.5 m according to the JPN, the 5.9 m floor height proposed under the current application included fire service installations, mechanical and electrical services and structural members. The provision of the refuge floor cum sky garden was one of the design options and the proposal would not have negative impact on the visual quality and building permeability.

### Deliberation Session

54. Members generally had no objection to the application considering that the proposal would improve the visual quality, ventilation, building permeability and greening of the urban environment, and the proposed increase in BH of 5.9 m was considered acceptable. On a Member's concern of setting an undesirable precedent for similar applications, the Chairman said that so far, there were only three similar applications for minor relaxation of BH restriction in Kowloon Bay, and each planning application should be considered on its individual merits.

55. 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 20.4.2022, 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 provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage connection works identified in the sewerage impact assessment for the proposed development to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the provision of parking facilities, loading/unloading spaces, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission and implementation of detailed setback proposal to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB; and

(f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

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

**Agenda Item 10**

Any Other Business

57. There being no other business, the meeting closed at 11:00 a.m..