

TOWN PLANNING BOARD

Minutes of 630th Meeting of the Metro Planning Committee held at 9:00 a.m. on 5.7.2019

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Mr Sunny L.K. Ho

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Thomas O.S. Ho

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

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Michael H.S. Law

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Dr Sunny C.W. Cheung

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 Stephen H.B. Yau

Mr Wilson Y.W. Fung

Mr Alex T.H. Lai

Professor Jonathan W.C. Wong

In Attendance

Assistant Director of Planning/Board
Ms April K.Y. Kun

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

Town Planner/Town Planning Board
Ms Karmin Tong

Opening Remarks

[Open Meeting]

1. The Chairman and Members congratulated Mr Sunny L.K. Ho for being awarded the Medal of Honour on 1.7.2019.

Agenda Item 1

Confirmation of the Draft Minutes of the 629th MPC Meeting held on 21.6.2019

[Open Meeting]

2. The draft minutes of the 629th MPC meeting held on 21.6.2019 were confirmed without amendments.

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 16 Application

[Open Meeting]

A/K5/806 Proposed Shop and Services in “Other Specified Uses” annotated
“Business (3)” Zone, Portion of Factory No. 6, G/F, Elite Industrial
Centre, 883 Cheung Sha Wan Road, Kowloon

(MPC Paper No. A/K5/806)

4. The Committee noted that the applicants’ representative requested on 21.6.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicants requested deferment of the application.

5. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants 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.

Agenda Item 4

Section 16 Application

[Open Meeting]

A/K5/807 Proposed Shop and Services (Fast Food Counter and Local Provisions Store) in “Other Specified Uses” annotated “Business (3)” Zone, Portion of Factory No.6, G/F, Elite Industrial Centre, 883 Cheung Sha Wan Road, Kowloon

(MPC Paper No. A/K5/807)

6. The Committee noted that the applicants’ representative requested on 21.6.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicants requested deferment of the application.

7. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants 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.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/460 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Industrial-Office Development in “Other Specified Uses” annotated “Business” Zone, 57-61 Ta Chuen Ping Street, Kwai Chung, New Territories

(MPC Paper No. A/KC/460A)

8. The Secretary reported that Llewelyn-Davies Hong Kong Limited (LD) and Wong & Ouyang (Hong Kong) Limited (WOHK) were two of the consultants of the applicants. The following Members had declared interests on the item :

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

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

- Mr Franklin Yu - his firm having current business dealings with Wong & Ouyang (Building Services) Limited which was related to WOHK.

9. The Committee noted that Mr Alex T.H. Lai had tendered an apology for being unable to attend the meeting and Mr Franklin Yu had not yet arrived to join the meeting. As Mr Thomas O.S. Ho had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

10. Mr Stephen C.Y. Chan, STP/TWK, drew Members’ attention that two replacement pages (P.7 of the Main Paper and Plan A-1) for updating information on a similar application were tabled for Members’ reference. With the aid of a PowerPoint presentation, he then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) restriction for permitted industrial-office (I-O) development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government bureau/departments had no objection to or no adverse comment on the application;

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

- (d) during the first three weeks of the statutory publication periods, no public comment was received on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed development was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and the building height restriction (BHR) of 130mPD under the Outline Zoning Plan (OZP). Policy support had been given by the Development Bureau to the current application for minor relaxation of PR by 20% to incentivise redevelopment of old industrial buildings (IBs). Regarding the OZP requirement on the provision of a 3.5m-wide non-building area (NBA) from the lot boundary abutting Ta Chuen Ping Street, the applicants indicated that even with the incorporation of a wider NBA of 3.5m to 4.9m in width and additional floor area, the proposed development would not require minor relaxation of BHR and would be in keeping with the intention, character and context of the surrounding developments. As regards the applicants' intention to claim bonus PR for the development under the Building (Planning) Regulations (B(P)R) arising from the NBA requirement, such claim would be dealt with at the building plan submission stage and should not be taken as approved under the subject application.

11. Some Members raised the following questions:

The Proposal

- (a) information on the parking provision of the existing IB, the existing and proposed vehicular access of the application site (the Site) and whether the back lane of the Site was accessible by vehicles;
- (b) elaboration on how the proposed development could contribute to a positive public realm and improve pedestrian safety as claimed by the applicants;
- (c) the planning merits/gains of the proposed development and the criteria for assessing applications for relaxation of PR under the Government's policy on revitalization of ageing IBs;
- (d) whether lease modification and payment of premium would be required to take forward the proposed development;

Bonus PR and Gross Floor Area Concessions

- (e) whether the provision of an NBA as required under the OZP was a pre-requisite for claiming bonus PR under the B(P)R;
- (f) whether planning application for further PR relaxation was required should bonus PR be granted by the Building Authority (BA) for the proposed development;
- (g) in addition to the proposed 20% increase in PR under application, whether the applicants could also apply for gross floor area (GFA) concessions for the provision of green features under the existing mechanism; and
- (h) whether the GFA concessions granted by the BA were subject to payment of premium.

12. In response, Mr Stephen C.Y. Chan, STP/TWK, made the following main points:

The Proposal

- (a) there was no information in hand on the number of parking spaces provided in the existing vacant IB. Similar to the current arrangement, the vehicular access of the proposed development would be via Ta Chuen Ping Street. As shown on Plan A-2 of the Paper, the existing back lane abutting the northern boundary of the Site was designated as a 9m-wide NBA with a view to improving pedestrian air ventilation condition and was not accessible to vehicles;
- (b) the requirement for a minimum 3.5m-wide NBA from the lot boundary abutting Ta Chuen Ping Street was stipulated under the OZP to cater for the long-term road widening proposal and to improve air ventilation of the local area. According to the submission, the applicants proposed to provide a wider NBA ranging from 3.5m to 4.9m to further enhance the pedestrian environment and allow more permeability and sunlight penetration in the locality. The proposed wider setback would offer opportunity for provision of a wider road/footpath in the future which would help enhance pedestrian circulation and safety;
- (c) application for relaxation of PR would be assessed on a case-by-case basis and should generally comply with the relevant eligibility criteria under the policy initiatives on revitalization of IBs, including the requirement on building age, i.e. IB constructed before 1987, as well as OZP requirements and any other relevant planning principles and considerations. For the subject application, the applicants had demonstrated in the proposed scheme that the proposed additional GFA could be achieved within the BHR under the OZP. In addition, the applicants had proposed to provide a wider NBA from the lot boundary than that required under the OZP and sufficient parking and loading/unloading spaces by meeting the high-end provision in accordance with the Hong Kong Planning Standards and

Guidelines after redevelopment;

- (d) the Site was restricted to industrial purposes only under the lease. If the subject application was approved, the lot owner would be required to apply to the Lands Department (LandsD) for lease modification for the proposed I-O development subject to payment of full premium. Detailed requirements from government departments on the proposed development could be incorporated in the lease conditions as appropriate;

Bonus PR and GFA Concessions

- (e) if the setback area was required to be surrendered for road widening purpose, the applicants could apply for bonus PR from the BA under Regulation 22(2) of the B(P)R;
- (f) according to the Remarks of the Notes for the “OU(B)” zone on the OZP, the maximum PR restriction might be exceeded under the circumstances as set out in B(P)R 22(1) or (2) and planning application for relaxation of PR restriction would not be required for cases relating to granting of bonus PR by the BA;
- (g) compliance with the relevant requirements, for example the Sustainable Building Design Guidelines on site coverage of greenery, would be required if the applicants were to apply for GFA concessions for non-mandatory green and amenity features at the building plan submission stage; and
- (h) matters concerning applications for lease modification and premium assessment were under the jurisdiction of LandsD.

13. In response to a Member’s enquiry about the provision of waste management facilities in the proposed development, Mr Stephen C.Y. Chan, STP/TWK, replied that the applicants had not provided any information on the waste management aspect of the proposal. Regarding the same Member’s further enquiry on the policy initiatives or measures to

encourage waste recovery in new developments, Dr Sunny C.W. Cheung, Principal Environmental Protection Officer (Metro Assessment) of the Environmental Protection Department (EPD), said that the adoption and implementation of a Waste Management Plan was generally required for government/public works projects as per relevant government technical circulars. While there was no such requirement for the private projects/developments, the private sector and developers were encouraged to undertake initiatives to set up and implement effective mechanism on construction waste management as well as waste reduction and recycling.

[Ms Sandy H.Y. Wong and Dr Frankie W.C. Yeung arrived to join the meeting during the Q&A session.]

Deliberation Session

14. Members in general had no objection to the proposed minor relaxation of PR by 20% as the proposed redevelopment was largely in line with the government's policy to incentivise the redevelopment of ageing IBs and in compliance with the BHR and NBA requirements under the OZP. Comparing with other similar applications for minor relaxation recently considered by the Committee, Members noted that the subject application did not involve relaxation of BHR to accommodate the proposed additional PR/GFA and that there were no specific criteria set out in the Explanatory Statement of the OZP for considering applications for minor relaxation of PR.

15. Some Members considered that the current policy initiatives on revitalization of ageing IBs would give impetus to the transformation of the Kwai Chung industrial area and that the proposed redevelopment would act as a catalyst for upgrading of the area at Ta Chuen Ping Street. From a wider perspective, they queried whether there could be incentives or planning measures to encourage holistic revitalization of the industrial area, and scope for improving the local environment and streetscape through better planning and urban design of the area as a whole. A Member opined that the government should step up its effort in promoting waste management and recovery in redevelopment projects.

16. The Committee noted that there were various factors, such as land ownership, that might pose difficulties for comprehensive redevelopment of built-up urban areas.

Nevertheless, the extant OZP had provided a broad land use framework to guide development and redevelopment of the area and allowed imposition of planning controls, such as setback and NBA requirements, with a view to improving the local environment upon redevelopment. Besides, a Member suggested and the Vice-chairman concurred that it might be desirable to explore using the back lane for vehicular access so as to separate the pedestrian from vehicular ingress and egress along Ta Chuen Ping Street in long term.

17. Regarding the waste management aspect, the Committee noted that the Environment Bureau had an overall strategy of waste management in the territory and that there were general requirements in the relevant Building Regulations on the provision of waste management and recycling facilities in individual developments. The Chairman said that arrangement could be made to invite representatives of EPD to share with Members the existing policy and initiatives on waste management and recycling for development projects in Hong Kong at an appropriate juncture.

18. 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 5.7.2023, 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) provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) submission of a revised sewerage impact assessment and implementation of the sewage improvement measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) submission of a land contamination assessment and the implementation of the remediation measures identified therein prior to development of the site

to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/462 Proposed Shop and Services in “Industrial” Zone, Shop B7, G/F, Mai Wah Industrial Building, 1-7 Wah Sing Street, Kwai Chung, New Territories

(MPC Paper No. A/KC/462)

Presentation and Question Sessions

20. 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 shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director-General of Trade and Industry had no comment on the application if a temporary approval of five years would be imposed such that the proposed use would not jeopardize the long-term use of the subject premises for industrial related uses. The Commissioner for Transport also had no comment on the application on a temporary basis for a period of five years provided that all future loading/unloading activities arising from the proposed use would be confined within the subject building. 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 period, no public comment was received on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments set out in paragraph 11 of the Paper. Although the application was not entirely in line with the planning intention of the “Industrial” zone, the proposed shop and services use could meet such demand in the area. It was also considered not incompatible with other uses within the subject building and the surrounding developments. The proposed use generally complied with Town Planning Board Guidelines No. 25D in that it would not have adverse traffic or environmental impact on the developments within the subject building and the adjacent areas; and relevant government departments had no objection to or no adverse comment on the application. Should the application be approved, the aggregate commercial floor areas on the G/F of the subject building would be 46m² which was within the maximum permissible limit of 230m². The Director of Fire Services had no objection to the application subject to imposition of an approval condition requiring the submission and implementation of the proposal for fire safety measures. In order not to jeopardize the long-term planning intention of industrial use for the premises, a temporary approval of five years was recommended, which was consistent with the Committee's previous decisions on similar applications.

21. Members had no question on the application.

Deliberation Session

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of five years until 5.7.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of fire safety measures, including the provision of fire service installations and water supplies for firefighting in the application premises and a means of escape 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 applicant to note the advisory clauses as set out at Appendix II of the Paper.

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

Kowloon District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/K18/332 Proposed Religious Institution (Taoist Temple) in “Residential (Group C)1” Zone, 5 Rutland Quadrant, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/332)

24. The Secretary reported that the application site was located in Kowloon Tong and the application was submitted by Shang Sin Chun Tong (SSCT). The following Members had declared interests on the item :

- Mr Sunny L.K. Ho - his spouse having current business dealings with SSCT;
- Dr Lawrence W.C. Poon - working in the City University of Hong Kong and living in its quarters in Kowloon Tong; and
- Mr Stanley T.S. Choi - his spouse was a director of a company which owned properties in Kowloon Tong.

25. The Committee noted that the applicant had requested deferment of consideration of the application. As the interest of Mr Sunny L.K. Ho was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. As the staff quarters of Dr Lawrence W.C. Poon and the properties owned by the company of Mr Stanley T.S. Choi's spouse had no direct view of the application site, the Committee agreed that they could stay in the meeting.

26. The Committee noted that the applicant's representative requested on 24.6.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 8

Any Other Business

28. There being no other business, the meeting closed at 9:55 a.m..