

TOWN PLANNING BOARD

Minutes of 635th Meeting of the Metro Planning Committee held at 9:00 a.m. on 20.9.2019

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Mr Stephen H.B. Yau

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Miss Sandy H.Y. Wong

Mr Stanley T.S. Choi

Ms Lilian S.K. Law

Chief Traffic Engineer/Kowloon,
Transport Department
Mr David C.V. Ngu

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 Sunny L.K. Ho

Dr Frankie W.C. Yeung

Professor T.S. Liu

Mr Franklin Yu

Mr Daniel K.S. Lau

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

In Attendance

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

Chief Town Planner/Town Planning Board
Mr L.K. Wong

Town Planner/Town Planning Board
Miss Kirstie Y.L. Law

Agenda Item 1

Confirmation of the Draft Minutes of the 634th MPC Meeting held on 6.9.2019

[Open Meeting]

1. The draft minutes of the 634th MPC meeting held on 6.9.2019 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/K9/12 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 “Government, Institution or Community”, Hung Hom Inland Lots 238 s.F RP and 238 s.G, 37 Winslow Street, Hung Hom, Kowloon

(MPC Paper No. Y/K9/12A)

3. The Secretary reported that the application site was located in Hung Hom and the application was for columbarium use with Salvation Benevolent Association Limited (SBA) as the applicant. The following Members had declared interests on this item:

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| Mr Lincoln L.H. Huang | } | being a member of the Private Columbaria Appeal Board; |
| Mr Sunny L.K. Ho | | |
| Mr Alex T.H. Lai | - | his firm having current business dealings with SBA; and |
| Mr Stanley T.S. Choi | - | owning a flat in Hung Hom. |

4. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Sunny L.K. Ho had tendered an apology for being unable to attend the meeting. As Mr Lincoln L.H. Huang’s interest was indirect, Mr Alex T.H. Lai had no involvement in the application, and Mr Stanley T.S. Choi’s property had no direct view of the application site, the Committee agreed that they could stay in the meeting.

5. The Committee noted that the applicant’s representative requested on 9.9.2019 deferment of consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments. It was the second time that the applicant requested deferment of the application. Since the

last deferment, the applicant had submitted further information to respond to departmental comments.

6. 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 the preparation of the further information, no further deferment would be granted unless under very special circumstances.

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

Tsuen Wan and West Kowloon District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/809 Shop and Services in “Other Specified Uses” annotated “Business (2)”
Zone, Portion of Workshop A2, G/F, Block A, Hong Kong Industrial
Centre, Nos. 489-491 Castle Peak Road, Lai Chi Kok, Kowloon

(MPC Paper No. A/K5/809)

Presentation and Question Sessions

7. With the aid of a PowerPoint presentation, Mr C.K. Fung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the Shop and Services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) objected to the application. He considered that the applied ‘Shop and Services’ use should be counted up to the aggregate commercial floor area, and if the application was approved, the aggregate commercial floor area on the G/F of the building would exceed 460m². As such, the application was not supported from fire safety point of view. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the statutory publication period, no public comment was received;
and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper.

While the applied use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business 2” (“OU(B)2”) zone and compatible with the land use character of the area, D of FS objected to the application from fire safety point of view as taking into account the floor area of the applied use, the aggregate commercial floor area on the G/F of the subject industrial building would exceed the maximum permissible limit as set out in the Town Planning Board Guidelines No. 22D (TPB PG-No. 22D).

8. In response to a Member’s enquiries on the limit of aggregate commercial floor area, Mr C.K. Fung, STP/TWK, explained the relevant requirements set out in TPB PG-No. 22D and the comments from D of FS with the following main points:

- (a) TPB PG-No. 22D provided guidance for development within “OU(B)” zone. The limits of aggregate commercial floor area were introduced with an aim to allow flexibility in the use of existing industrial and industrial-office (I-O) buildings as well as new buildings for both commercial and clean industrial uses while addressing fire safety concerns;
- (b) according to TPB PG-No. 22D, the aggregate commercial floor areas on the G/F of an existing industrial/I-O building with and without sprinkler systems should, as a general principle, not exceed 460m² and 230m² respectively. Yet, such limits were not applicable to uses like ancillary showroom and fast food counter. According to Fire Services Department, the limit of 460m² should be applied to the subject industrial building; and
- (c) for the applied Shop and Service use, as shown in the table on p.4 and p.5 of the Paper, the total approved commercial floor area on G/F of the subject industrial building was already 459.225m². Approval of the application would lead to an aggregate floor area exceeding the permissible limit of 460m². While slight exceedance of the limit might be considered for some exceptional cases, the application should not be favourably considered in view of the fire safety concerns.

Deliberation Session

9. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the ‘Shop and Services’ use under application does not comply with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) as the total floor area accountable for the aggregate commercial floor area on ground floor of the subject industrial building would exceed the maximum permissible limit of 460m² for an industrial or industrial-office building with sprinkler systems; and
- (b) the application is not acceptable from fire safety point of view.”

[The Chairman thanked Mr C.K. Fung, STP/TWK for his attendance to answer Members’ enquiries. He left the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/TW/509 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Non-polluting Industrial Development (excluding industrial undertakings involving the use/storage of Dangerous Goods) in “Other Specified Uses” annotated “Business” Zone, 8-14 Sha Tsui Road, Tsuen Wan, New Territories
(MPC Paper No. A/TW/509)

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

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| Mr Daniel K.S. Lau | - | being an ex-employee of the Hong Kong Housing Society, which had past business dealings with KTA; |
| Mr Alex T.H. Lai | } | his firm having business dealings with MMHK; |
| Mr Thomas O.S. Ho | | |
| Professor John C.Y. Ng | - | his spouse owning a flat in Tsuen Wan; and |
| Mr Stanley T.S. Choi | - | his spouse being a director of a company which owned properties in Tsuen Wan. |

11. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Daniel K.S. Lau and Professor John C.Y. Ng had tendered apologies for being unable to attend the meeting. Since Messrs Alex T.H. Lai and Thomas O.S. Ho had no involvement in the application, 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.

12. The Committee noted that the applicant's representative requested on 2.9.2019 deferment of consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments. It was the first 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 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 6

Section 16 Application

[Open Meeting]

A/TWW/116 Proposed House Development at Plot Ratio of 0.75 in “Residential (Group C)” and “Village Type Development” Zones, Lot 162RP (Part) in D.D. 399 and Adjoining Government Land, Ting Kau, Tsuen Wan West, New Territories
(MPC Paper No. A/TWW/116C)

14. The Committee noted that the applicant’s representative requested on 2.9.2019 deferment of consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to departmental comments and revised technical assessments.

15. 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. Since it was the fourth deferment and a total of eight months had been allowed for the preparation of further information, this was the last deferment and no further deferment would be granted.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/TY/137 Proposed Open Storage of Sand (Pre-made Sandbags Only) in “Other Specified Uses” annotated “Boatyard and Marine-oriented Industrial Uses” Zone, Tsing Yi Town Lot 14 (Part) and Adjoining Government Land, Tam Kon Shan Road, Tsing Yi, New Territories
(MPC Paper No. A/TY/137)

16. The Committee noted that the application had been withdrawn by the applicant.

[Mr C.H. Mak, 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/K18/333 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted House Development in “Residential (Group C) 1” Zone, 147 Waterloo Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/333)

17. The Secretary reported that the application site was located in Kowloon Tong T.K. Tsui and Associates Ltd (TKT). was one of the consultants of the applicant. The following Members had declared interests on this item:

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

Dr Lawrence W.C. Poon - living in the quarters of the City University of

Hong Kong in Kowloon Tong; and

Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Kowloon Tong.

18. Since Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that he could stay in the meeting. Since the staff quarter where Dr Lawrence W.C. Poon lived and the properties owned by the company of Mr Stanley T.S. Choi's spouse had no direct view of the site, the Committee agreed that they could stay in the meeting.

19. The Committee noted that two replacement pages (P.2 of the Main Paper and Appendix II) rectifying typographical errors had been tabled for Members' reference.

Presentation and Question Sessions

20. With the aid of a PowerPoint presentation, Mr C.H. Mak, STP/K, presented the application and covered the following aspects as detailed in the Paper:

(a) background to the application;

[Ms Sandy H.Y. Wong arrived to join the meeting at this point.]

(b) the proposed minor relaxation of building height (BH) restriction from three to four storeys to allow for one storey of basement for three car parking spaces and ancillary plant room use, and minor relaxation of plot ratio (PR) restriction from 0.6 to 1.013 for a permitted house development;

(c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered that the applicant had not demonstrated any design merits attributed to the proposed increase in PR and BH, and that as compared to the existing houses in the Kowloon Tong Garden Estate (KTGE), the proposed house were generally more bulky. Other concerned departments had no objection to or no

adverse comment on the application;

- (d) during the statutory publication periods, 13 public comments were received supporting the application. Major views were set out in paragraph 9 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The Site was the subject of a previous approved application (No. A/K18/326) for permitted house use with minor relaxation of PR and BH restrictions. The BH relaxation currently sought was the same as the approved scheme and considered in line with the criteria set out in the Notes and Explanatory Statement of the OZP. However, the proposed PR relaxation of 69% was considered excessive, especially in the context of the KTGE area. The Committee/Board had not approved any applications for PR relaxation other than the previous application at the Site involving 14% relaxation which was to accommodate the Gross Floor Area accountable from land resumed for the widening of Waterloo Road in 1978 taking into account the Government's agreement with the landowner on the land resumption. Nine other sites along this stretch of Waterloo Road were also involved in the said land resumption with similar agreements with Government for including the resumed land for PR and Site Coverage calculation upon redevelopment. Approval of the subject PR relaxation incorporating the applicant's claim that it was entitled to bonus PR under the Building (Planning) Regulation without exceptionally strong planning and design merits would inevitably create precedent effect on these lots along Waterloo Road as well as other lots within KTGE. The cumulative effect of approving similar applications with excessive building bulk without properly mitigating the visual impact might change the existing character of the residential neighbourhood in the KTGE. Under the current application, there were no apparent planning and design merits to support the proposed 69% relaxation of PR. Regarding the public comments, the comments of the government departments and planning assessment above were relevant.

21. In response to a Member's question on a picture shown on a PowerPoint slide, Mr C.H. Mak, STP/K clarified that the picture was a photomontage provided by the applicant illustrating the proposed development under the current application. Referring to the site photos, Mr Mak explained that structures at the site had been demolished and the site was currently vacant.

Deliberation Session

22. A Member pointed out that there was a lack of planning merits to justify the excessive PR relaxation. Members generally did not support the application.

23. 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 proposed relaxation of plot ratio restriction is excessive and the applicant fails to provide planning and design merits in support of the application; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “Residential (Group C)1” zone. The cumulative effect of approving such applications with excessive building bulk would adversely affect the existing character of the Kowloon Tong Garden Estate.”

[The Chairman thanked Mr C.H. Mak, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 9

Any Other Business

24. There being no other business, the meeting closed at 9:25 a.m..