

**Minutes of 1107<sup>th</sup> Meeting of the  
Town Planning Board held on 11.3.2016**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr Michael W.L. Wong

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr Ivan C. S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Principal Environmental Protection Officer (Metro Assessment)

Environmental Protection Department

Mr Ken Y.K. Wong

Principal Assistant Secretary (Transport) 3

Transport and Housing Bureau

Miss Winnie M.W. Wong

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

Deputy Director of Planning/District  
Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Professor P.P. Ho

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Lincoln L.H. Huang

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau

Senior Town Planner/Town Planning Board  
Ms Wendy W.L. Li

**Agenda Item 1**

[Open meeting]

Confirmation of Minutes of the 1102<sup>nd</sup> meeting held on 26.2.2016

[The meeting was conducted in Cantonese.]

1. The minutes of the 1102<sup>nd</sup> meeting held on 26.2.2016 were confirmed without amendments.

**Agenda Item 2**

[Open meeting]

Confirmation of Minutes of the 1106<sup>th</sup> meeting held on 26.2.2016

[The meeting was conducted in Cantonese.]

2. The minutes of the 1106<sup>th</sup> meeting held on 26.2.2016 were confirmed without amendments.

**Agenda Item 3**

Matters Arising

[The meeting was conducted in Cantonese]

(i) Town Planning Appeal Decision Received

Town Planning Appeals No. 2 and 3 of 2015

Proposed Houses (New Territories Exempted Houses (NTEH) – Small Houses)  
in “Green Belt” Zone, Government land in D.D. 20, Yun Tun Ha, Tai Po  
(Applications No. A/TP/557 and 558)

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[Open Meeting]

3. The Secretary reported that the subject appeals were against the Town Planning Board (the Board)’s decision to reject on review two applications (No. A/TP/557 and

A/TP/558) for a proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites zoned “Green Belt” (“GB”) on the Tai Po Outline Zoning Plan (OZP).

4. The appeals were heard by the Town Planning Appeal Board (TPAB) on 5.11.2015. On 29.2.2016, the TPAB dismissed the appeals mainly on the following grounds:

- (a) the proposed developments were not in line with the planning intention of the “GB” zone and there was a lack of justification to warrant a departure from the general presumption against development within the “GB” zone;
- (b) the proposed developments did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ and the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed Small House developments would involve site formation and foundation works, construction of a permanent access and the implementation of a landscape proposal which would be for beyond the appeal sites, and would have adverse impacts on the existing surrounding environment and landscape resources; and
- (c) the approval of the application would encourage similar applications in the “GB” zone and the cumulative impacts would result in a general degradation of the environment and landscape quality of the area.

5. A copy of the Summary of Appeals and the TPAB’s decision were sent to Members for reference on 9.3.2016.

- (ii) Appeal Statistics  
[Open Meeting]

6. The Secretary reported that as at 8.3.2016, the appeal statistics was as follows:

Allowed	:	34
Dismissed	:	142
Abandoned/Withdrawn/Invalid	:	192
Yet to be Heard	:	11
Decision Outstanding	:	2
<b>Total</b>	<b>:</b>	<b>381</b>

(iii) Matter Arising (iii)

[Confidential Item] [Closed Meeting]

7. This item was recorded under confidential item.

[Mr David Y.T. Lui and Mr Laurence L.J. Li left the meeting at this point.]

### **Tsuen Wan & West Kowloon District**

#### **Agenda Item 4**

[Open Meeting]

Review of Application No. A/KC/431

Proposed Broadcasting, Television and/or Film Studio, Information Technology and Telecommunications Industries, Off-course Betting Centre, Office, Eating Place, Education Institution, Public Clinic and Shop and Services (in Wholesale Conversion of an Existing Building only) in “Industrial” Zone, 16-22 Kung Yip Street, Kwai Chung

(TPB Paper No. 10083)

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[The meeting was conducted in Cantonese and English.]

#### **Declaration of Interests**

8. The Secretary reported that as the application site (the site) was located in Kwai Chung and the owner of the application premises was related to CK Hutchison Holdings Limited (CK Hutchison) and that LLA Consultancy Limited (LLA) and LWK & Partners

(HK) Limited (LWK) are two of the consultants of the applicant, the following Members have declared interests in the item:

- Mr Patrick H.T. Lau - having current business dealings with CK Hutchison and LLA
- Professor P.P. Ho - having current business dealings with CK Hutchison
- Mr Ivan C.S. Fu - being the director of LWK and having current business dealings with CK Hutchison
- Mr Laurence L.J. Li - having current business dealings with LWK
- Mr Dominic K.K. Lam - having past business dealings with LLA
- Mr Clarence W.C. Leung - owning an office in Kwai Chung

9. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting, Mr Patrick H.T. Lau and Mr Ivan C.S. Fu had yet to arrive at the meeting and Mr. Laurence L.J. Li had left the meeting at this point. Since Mr Dominic K.K. Lam had no involvement in the application and Mr Clarence W.C. Leung's office did not have a direct view on the Site, Members agreed that they could stay at the meeting.

#### Presentation and Question Sessions

10. The following representatives of the Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

- Mr Lawrence Y.C. Chau - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD

Ms Fonnie F.L. Hung	-	Senior Town Planner/Kwai Tsing (STP/KT), PlanD
Mr Dennis Chien	]	
Ms Jennifer Chiong	]	Applicant's representatives
Mr Phill Black	]	
Mr Kenneth Chan	]	

11. The Chairman extended a welcome and explained the procedure of the review. He then invited Ms Fonnie Hung, STP/KT, PlanD to brief Members on the review application.

12. With the aid of a PowerPoint presentation, Ms Hung, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for wholesale conversion of an existing 22-storey industrial building (i.e. Watson Centre) at the site for 'Broadcasting, Television and/or Film Studio', 'Eating Place', 'Education Institution', 'Information Technology and Telecommunications Industries' ('IT&T'), 'Off-course Betting Centre', 'Office', 'Public Clinic' and 'Shop and Services' uses. The site fell within an area zoned "Industrial" ("I") on the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/28. Except IT&T, all these uses were under Column 2 of the Notes of the "I" zone requiring planning permission from the Town Planning Board (the Board);
- (b) the major development parameters and main uses by floor of the proposed wholesale conversion were detailed in paragraphs 1.3 and 1.4 of the Paper. Under the proposal, the L/G floor of the existing industrial building would be used as a car park, while the remaining floors i.e. lower floors (G/F to 3/F) was mainly proposed for a combination of the aforesaid uses and the upper floors (4/F to 20/F) would be for office use only. The existing building currently accommodated offices, data centre, IT&T, logistics/warehouse uses;

- (c) on 18.12.2015, the Metro Planning Committee (MPC) decided to reject the application and the reasons were that the proposed wholesale conversion was not in line with the planning intention of the “I” zone for general industrial uses; the application premises was in active operation and there were vibrant industrial activities in the Central Kwai Chung Industrial Area (CKCIA) covering the site, which was recommended to be retained as an “I” zone in the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessments); and the proposed wholesale conversion was not in line with the Town Planning Board Guidelines for Use/Development within ‘I’ Zone (TPB PG-No. 25D) in that the applicant failed to provide information to demonstrate that the proposed wholesale conversion would induce significant improvement to the general amenity and environment of the area, and that there was a shortfall in the provision of office and other commercial floor space and there were no suitable alternative sites to accommodate the proposed office and commercial building in the vicinity;
- (d) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper;
- (e) the site was not the subject of any previous application. Similar applications were detailed in paragraph 5.4 of the Paper;
- (f) departmental comments – comments from the relevant government departments were detailed in paragraph 6 of the Paper and summarised below:
  - (i) the Director General of Trade and Industry (DG of TI) had reservation on the application as according to the 2014 Area Assessments, the total industrial stock in Hong Kong would be unable to meet the future demand for industrial uses and the approval of the application might further deplete industrial land. It was noted that the subject industrial building currently

accommodated warehouse, data centre and ancillary offices and the proposed wholesale conversion might have impacts on the existing operators; and

- (ii) other concerned departments had no objection to or no adverse comments on the application;
  
- (g) public comments – a total of 773 public comments were received from individuals, objecting to the review application. The main objecting grounds were that the existing industrial building was in active operation and had a high occupancy rate; more support should be given to the industrial development in Hong Kong especially high-tech industry, which provided jobs and increased the city's economic competitiveness; and the application might induce adverse impacts on traffic and pedestrian safety; and
  
- (h) PlanD's views - PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 8 of the Paper. No technical information had been submitted by the applicant in response to the MPC's concerns as well as the rejection reasons. Since the last rejection of the application by the MPC, there had been no major change in the planning circumstances.

13. The Chairman then invited the applicant's representatives to elaborate on the review application. With the aid of a PowerPoint presentation, Mr Phill Black made the following main points:

- (a) there was no technical concern regarding the application and no ground was provided in the Paper as to why PlanD changed its view from supporting the application under section 16 to objecting to the review application under section 17. The current uses of Watson Centre were in fact not industrial. According to the 2014 Area Assessments, the subject building was defined as predominantly commercial in nature;

- (b) the five approved wholesale conversion applications (application No. A/KC/357, A/KC361, A/KC/409, A/KC/425 & A/KC/426) in the “T” zone were deemed generally in line with the planning intention of “T” and TPB-PG No.25D by PlanD and the Board. There was no evidence that occupancy rate of the industrial building was a material planning consideration in approving any of those applications. For those applications, PlanD and the Board did not request the submission of information to demonstrate that there was a shortfall in the provision of office and other commercial floor spaces and no suitable alternative sites. The current application had been treated differently in comparison with other approved applications;
  
- (c) the necessity of wholesale conversion was reflected in a related Legislative Council (LegCo) Brief dated 12.10.2011, which stated that, “...*the objective of the revitalisation measures is not only to meet business and office needs .... but also some of the new economic activities, including creative industries and the needs of the arts and cultural sector. But in order to address the potential fire safety concern due to mixed uses, an industrial building has to undergo wholesale conversion before it can provide suitable premises to support these various social needs*”;
  
- (d) over 90% of the public comments on the application under section 16 were received from the employees of an information technology (IT) company, which occupied 10 floors of Watson Centre. There was an established case law that if the objection of the proposed use was based on the desirability of protecting the occupation of the present occupier, it was not a legitimate planning ground of objection [Westminster City Council vs British Waterways Boards 1985 A.C. 676]. The owner considered that the majority of such company’s current operation could be retained during/after the wholesale conversion, subject to further consultation;

*Planning Intention*

- (e) the first rejection reason for the application i.e. the proposed wholesale conversion was not in line the planning intention of “T” was unfounded for the following reasons:
- (i) the planning intention for general industrial uses was not exclusive. Only the word ‘primarily’ for general industrial use was stated in the statement of planning intention. Indeed, the proposed wholesale conversion of Watson Centre would not jeopardize the long-term planning intention of industrial use for the site since planning permission was granted only for the lifetime of the building. It was akin to a ‘temporary approval’ of the proposed “higher value-added” uses and that the key industrial features of Watson Centre (i.e. high headroom/heavy floor loading) would be retained for returning industrial users;
  - (ii) the proposed ‘Eating Place’, ‘Education Institution’, ‘Public Clinic’ and ‘Shop and Services’ uses were stated in the Notes as only permitted upon application in the “wholesale conversion of an existing building”, while the proposed ‘IT&T’ use was a Column 1 use as it was compatible with industrial uses. Hence, the proposed wholesale conversion with the proposed uses was in line with the planning intention of the “T” zone;
  - (iii) the objectives of revitalisation policy of industrial buildings, which were announced in the Policy Address of the Chief Executive 2009-10, aligned with the unstated planning intention on wholesale conversion. It had been stated under the revitalisation policy that industrial buildings, with their usually higher ceiling height/floor loading and flexible floor layouts, had good potentials for conversion to other economic uses (which could only be the Column 2 uses under the “T” zone);

[Dr C.P. Lau left the meeting temporarily at this point.]

*Active Operation*

- (f) MPC was informed that Watson Centre was in active operation and that “occupancy rate” was one of the planning considerations for application for wholesale conversion. However, MPC was also informed that for the five similar applications for wholesale conversion in the “I” zone, information on the occupancy rate of the concerned premises at the time of application was unavailable. The Board was sending the wrong message that if the aging industrial building had ‘active operations’, planning approval might be withheld. That would in effect cause the owners to reduce the existing occupancy before submitting an application;
- (g) the methodology in calculating occupancy was problematic e.g. whether both compliant and non-compliant uses on each floor should be included. As quoted from a relevant LegCo Brief dated 15.10.2009, the Development Bureau held the view that it was “*very difficult to collect detailed statistics on the extent of non-compliant uses in industrial buildings and occupancy level “does not reflect the actual extent of the problem because it has not taken into account the existence of non-compliant uses and the fact that many industrial premises are now occupied but not optimally utilised”*”. Based on the existing tenancy agreements, it was estimated that the occupancy level at Watson Centre could be down to 28% by September 2018;
- (h) conversion work did not imply that active operations must cease/relocate. The applicant had experience in conversion work where tenants were assisted to remain in-situ during conversion works in the industrial building e.g. the Cavendish Centre refurbishment project. The owner initiated in September 2015 a dialogue with the largest existing operator/tenant of Watson Centre on retention/consolidation, subject to tenancy renewal;

- (i) to address the impact of the proposed wholesale conversion on the current operators, the Board could impose a planning condition i.e. the submission of a wholesale conversion impact assessment (WCIA) on the active operation of the application premises to the satisfaction of the Director of Planning or of the Board in approving the application;

*TPB PG-No. 25D*

- (j) the rejection reason that the proposed wholesale conversion was not in line with TPB PG-No. 25D was unjustified for the following reasons:

- (i) TPB PG-No. 25D had not been updated since September 2007 and had not taken into account the revitalisation policy formulated since then. The Guidelines referred to pure office building and commercial uses in an industrial building and embodied the main planning criteria only for development of a new office building. The subject application with a range of uses did not involve pure office development. In sum, the Guidelines did not apply to the current application;

- (ii) the proposed wholesale conversion would bring about a range of benefits concerning business opportunities, fire safety, economy and employment to the area. By converting the industrial building and upgrading the fire services, building amenities, parking and loading facilities, etc., the current non-compliant uses would become lawful and they could promote/expand their businesses without fear of penalty. The wholesale conversion would eliminate fire risk for the existing industrial building as supported by the Fire Services Department and would benefit "*the needs of economic development by enabling owners to revitalize and add value to their industrial buildings, thus providing new momentum for economic growth and creating jobs*", as stated in the Executive Council Brief on revitalisation policy. The

proposal would widen the range of employment opportunities for residents in Kwai Chung, Tsing Yi, Tsuen Wan due to the greater diversity in tenant mix. In particular, Watson Centre, could act as a catalyst in CKCIA to stimulate upgrading of the surrounding buildings;

- (iii) other benefits included those in terms of visual amenity and sustainability. The aging industrial façade of Watson Centre would be upgraded and become more visually pleasant, thereby enhancing the district's identity. Building conversion was cheaper, faster and more environmentally friendly than a new mixed-use building development;
- (iv) PlanD had previously provided the figures concerning the shortfall in office and commercial floor space in the MPC paper for the application. According to the Hong Kong Property Review 2015 published by the Rating and Valuation Department, the vacancy rate of office floor space in Kwai Tsing at the end of 2014 was 3.6% (while the overall average was 6.3%). By comparison, the vacancy rate of flatted factories floor space in Kwai Tsing was higher than that of office floor space, standing at 7.3 (while the overall average was 5.6%). Office vacancy rate in Kwai Ching was low even though office use was the second largest user in CKCIA occupying about 28.3% of the total gross floor area; and
- (v) the suitability of alternative sites for office and commercial uses was considered immaterial given the revitalisation policy promoted 'higher value-added' Column 2 uses as an incentive for owners to undertake wholesale conversion of aging industrial building.

14. As the presentations from PlanD's representative and applicant's representatives had been completed, the Chairman invited questions from Members.

*Planning intention of “I” zone*

15. A Member asked if Mr Phill Black would agree that (i) given the planning intention of the “I” zone, which was primarily for general industrial uses to meet demand from production-oriented industries, the majority of the existing industrial buildings under the “I” zone should be for industrial uses, and (ii) that it would be for the Board to consider the appropriate extent within the “I” zone that the existing industrial buildings could be used for non-industrial purposes, after having thoroughly taken into account all the relevant considerations. In response, Mr Black said that in TPB PG-No.25D, there was no indication on the number of applications for wholesale conversion that an area should have, nor the appropriate occupancy level of an industrial building before an application for wholesale conversion could be made. The objectives of the revitalisation policy should be taken into account in considering such applications for wholesale conversion of industrial buildings. By restricting the uses of industrial buildings to industrial purposes only would fail to provide any incentive to concerned owners to upgrade the aging industrial buildings.

16. The Vice-Chairman said that under the prevailing planning intention of the “I” zone, one would expect that more than 50% of the zone/industrial premises should be for industrial uses. He asked if DPO/TWK could clarify whether Watson Centre would still retain a high proportion of industrial uses if the proposed wholesale conversion was approved. Referring to paragraph 1.4 of the Paper and paragraph 8.2 of the MPC paper at Annex A of the Paper shown on the visualiser, Mr Lawrence Y.C. Chau, DPO/TWK, explained that manufacturing/warehouse uses currently occupied 6 floors of Watson Centre (i.e. G/F, 11/F, 17/F to 20/F) which would be replaced mainly by office/commercial uses after the conversion and there was no industrial use in the proposal for wholesale conversion. In response to a Member’s enquiry on the extent of commercial uses within industrial buildings in CKCIA, Mr Chau said that some industrial buildings in CKCIA had commercial uses occupying more than 50% of their floor space.

[Ms Christina M. Lee arrived to join the meeting at this point.]

### *Reasons for Conversion*

17. Noting most of existing floor spaces of Watson Centre were already not for conventional industrial purposes, a Member asked if Mr Black would explain the rationale for applying wholesale conversion of the subject building at this point of time. In response, Mr Black said that the incentives for wholesale conversion originated from the revitalisation policy as it involved nil waiver fee for change in use of the existing industrial building and through upgrading the building by improving its safety/amenities and eliminating fire risk, the life span of the building would be extended, allowing continuation of tenancies and rental incomes as well as attracting new tenants.

### *Similar applications*

18. In response to a Member's enquiry, Mr Chau said that the Board had not rejected any similar planning application involving wholesale conversion of an industrial building within the "I" zone on the Kwai Chung OZP.

19. The Chairman asked if the subject application was different from the five similar applications which had all been approved by the Board from June 2011 to June 2015. Referring to a PowerPoint slide showing details of those applications, Mr Chau explained that the five similar applications had all been approved by the Board before the promulgation of the recommendations of the 2014 Area Assessments in August 2015, whereas the subject application was the first application to be considered after that. He further said that the vacancy rate in the CKCIA had reduced from 8% to 4.6% when compared with that in the 2008 Area Assessments of Industrial Land in the Territory (2008 Area Assessments), and that the 2014 Area Assessments had recommended the retention of the "I" zone in the CKCIA.

### *Area Assessments*

20. The Chairman asked if Mr Black had any view on the findings of 2014 Area Assessments which indicated a decrease in the vacancy rate in the CKCIA. In response, Mr Black said that while the accuracy of the vacancy rate was doubtful, it still indicated that more than sufficient floor areas were available for traditional industries in Kwai Chung.

With technological advances, manufacturing industries as a whole had undergone major changes since 2008, and the new trends happening in the industrial sector should be taken into account. He expressed his concern that the findings of the 2014 Area Assessments were given too much weight in considering the subject application.

21. In response to a Member's enquiry on whether the increase in the occupancy rate of industrial buildings in the CKCIA was for industrial uses, Mr Chau said that two major types of industrial uses in the CKCIA (i.e. manufacturing workshop and workshop storage) had increased from 56% in 2008 to 61.4% in 2014 as revealed in the findings of the two Area Assessments.

[Dr W.K. Yau left the meeting temporarily at this point.]

*Proposed Approval Condition*

22. Mr K.K. Ling, Director of Planning, asked if Mr Black could clarify the nature of the proposed WCIA as put forth in his proposed planning condition and the criteria in assessing whether such an assessment would be considered satisfactory for fulfilling the condition. In response, Mr Black said that since it was commercially sensible for any aging industrial building to retain the existing tenants when the wholesale conversion was carried out, the WCIA would provide information on how the existing active tenants/users of the industrial premises would be affected by the proposed wholesale conversion e.g. how they could continue to operate during the course of the conversion and how they could be retained for the lifetime of the building. The WCIA submitted by the applicant including the criteria adopted and further refinements, if any, would serve as a useful reference for other similar applications in the future.

23. Mr Black intended to put forth his views on other issues raised, but the Chairman reminded him that it was a session for Members to ask questions and that Mr Black had already answered those questions directed to him by Members.

24. As Members had no further questions, the Chairman said that the hearing procedure for the review application had been completed. He then thanked PlanD's representatives and the applicant's representatives for attending the meeting. They all left

the meeting at this point.

### Deliberation

25. The Secretary said that as Ms Christina M. Lee only joined the latter part of the meeting and while she could stay at the meeting, she should not participate in the deliberation. Members agreed.

26. A Member considered that as there was no change in the planning circumstances since the rejection of the planning application by the MPC, there was no basis to approve the review application. The Member recapitulated some key considerations made by the MPC, including that the recommendation of the 2014 Area Assessments was to retain the subject “I” zone in the CKCIA, the proposed conversion was not in line with the revitalisation policy to upgrade vacant or underutilized industrial buildings, there were suitable alternative sites to accommodate office/commercial buildings in the vicinity, and that all those considerations remained valid. It was also noted that DG of TI had reservation on the application.

27. The same Member said that the crux of the matter for the Board to consider was whether the proposed wholesale conversion of an industrial building into a pure commercial building within the “I” zone was suitable from the land use planning perspective. A Member said that given the central location of Watson Centre within the “I” zone, retention of the current industrial uses was appropriate. Another Member said that logistics/warehouse industries had been facing shortages in industrial floor space and given the subject industrial building had active industrial uses including warehouse, the wholesale conversion proposal should not be supported.

28. Upon the Chairman’s enquiry, Mr Ling said that the impact of the proposed wholesale conversion on the existing tenants had not been a major consideration of the MPC in assessing the application. He further said that the responses provided by the applicant’s representative had not addressed his concerns on how the proposed planning condition on WCIA could be satisfactorily complied with.

29. The Chairman noted that the applicant had put forward a view on the application of TPB PG-No. 25D (i.e. it was not applicable to the current application). In this connection, Mr Ling said that the proposed wholesale conversion entailed the conversion of the entire industrial building into a commercial development for the lifetime of the building, MPC had all along made reference to the relevant planning criteria set out in TPB PG-No. 25D in assessing applications for wholesale conversion of industrial buildings. He further said that in applying the planning criteria set out in TPB PG-No.25D, the adjacent “Other Specified Uses” annotated “Business” zone was considered a suitable alternative area to accommodate office/commercial uses and that no significant improvement would be induced by the proposed wholesale conversion to the general amenity and environment of the area.

30. A Member did not agree with the argument put forth by the applicant’s representative that as the industrial building was retained after wholesale conversion, such proposal would still be in line with the planning intention of the “I” zone. The Member considered that revitalisation of industrial buildings was not a blanket approval for all wholesale conversion proposals and there should be planning justifications before an application could be approved.

31. After further deliberation, the Board decided to reject the application on review based on the following reasons:

- “(a) the proposed wholesale conversion is not in line with the planning intention of the industrial” (“I”) zone, which is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries;
- (b) the application premises are in active operation and there are vibrant industrial activities in the Central Kwai Chung Industrial Area covering the application site, which is recommended to be retained as an “I” zone in the 2014 Area Assessments of Industrial Land in the Territory; and
- (c) the proposed wholesale conversion is not in line with the Town Planning Board Guidelines No. 25D in that the applicant has failed to provide information to demonstrate that the proposed wholesale conversion

would induce significant improvement to the general amenity and environment of the area, and that there is a shortfall in the provision of office and other commercial floor space to serve the industrial activities in the area, and there are no suitable alternative sites to accommodate the proposed office and commercial building in the vicinity.”

### **Procedural Matters**

[Mr Ivan C.S. Fu, Mr Patrick H.T. Lau and Ms Anita W.T. Ma arrived to join the meeting at this point. Dr C.P. Lau and Dr W.K. Yau returned to join the meeting at this point. ]

### **Agenda Item 5**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/18  
(TPB Paper No. 10084)

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[The meeting was conducted in Cantonese.]

### **Declaration of Interests**

32. The Secretary reported that the item involved amendments to the approved Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/18 including revision to the building height restrictions (BHRs) concerning Po Leung Kuk (PLK). The following Members had declared interests in this item for owning properties in the Wong Nai Chung district and/or having affiliations with PLK and/or the Happy Valley Residents' Association (HVRS):

Mr Michael W.L. Wong (Chairman)	-	his close relative being the Chief Executive Officer of PLK
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- Mr Patrick H.T. Lau - owning a flat at Kwai Sing Lane and being the Chairman of HVRS
- Mr Dominic K.K. Lam - his spouse owning a flat at Caroline Hill Road
- Ms Bonnie J.Y. Chan - her parents owning a property in Happy Valley
- Dr Wilton W.T. Fok - his parents owning a property at Blue Pool Road
- Ms Bernadette H.H. Linn - self-occupying a flat at Broadwood Road

33. Three Members declared interests for having affiliations with PLK at the meeting. Dr C.P. Lau indicated that he was one of the Board of Directors of a PLK Secondary School, Professor K.C. Chau was one of the Board of Directors of a PLK Primary School and Ms Bonnie J.Y. Chan had a close relative who was the current Vice-Chairman of PLK.

34. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting. Members also noted that Dr Wilton W.T. Fok had tendered apologies for being unable to attend the meeting.

35. The Secretary briefly introduced the Paper. On 30.10.2015, the draft Wong Nai Chung OZP No. S/H7/18 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 94 representations and three comments were received.

36. Among the representations received, 89 supported the revision to the BHRs for the “Government, Institution or Community” (“G/IC”) zone covering part of PLK at Leighton Road (Amendment Items B1 and B2), while the remaining five objected to either Amendment Items B1 and B2 and/or the revision to the BHRs for “G/IC” zone covering Man Lam Christian Church (Amendment Item A). All three comments opposed the Amendment

Items or the amended BHRs in general.

37. It was recommended that the representations and comments should be considered collectively by the full Town Planning Board (the Board). The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary.

38. In view of the large number of representations and comments received, and to ensure the efficient operation of the hearing, it was recommended to allot a maximum presentation time of 10 minutes to each representer and commenter in the hearing session, subject to confirmation of the number of representatives and commenters attending the hearing and the aggregate presentation time required. Consideration of the valid representations and comments by the full Board under section 6B of the Ordinance was tentatively scheduled for April 2016.

39. After deliberation, the Board agreed that:

- (a) the representations should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose the 10-minute presentation time for each representer/commenter taking into account the number of representatives/commenters attending the hearing.

### **Agenda Item 6**

[Open Meeting]

Submission of the Chek Lap Kok Outline Zoning Plan No. S/I-CLK/13A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 10086)

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[The meeting was conducted in Cantonese.]

Declaration of Interests

40. The Secretary reported that the following Members had declared interests in the item for being representers, having business dealings/affiliation with the Airport Authority Hong Kong (AAHK) or the representers/commenters, or matters related to the three-runway system (3RS) of the Hong Kong International Airport:

- |                     |  |
|---------------------|--|
| Mr Sunny L.K. Ho    | - being the Executive Director of the Hong Kong Shipper's Council (R1) and the President of the Chartered Institute of Logistics and Transport in Hong Kong (R2)   |
| Professor S.C. Wong | - being a member of the Institute of Transport Studies of the University of Hong Kong, which has obtained sponsorship from AAHK (C1) before and the council member of the Chartered Institute of Logistics and Transport in Hong Kong (R2), but not involving in the submission of R2's representation |
| Ms Christina M. Lee | - being Secretary-General of the Hong Kong Metropolitan Sports Events Association which has obtained sponsorship from the Chinese Manufacturers' Association of Hong Kong (C20) before   |
| Mr Dominic K.K. Lam | - being a member of the 3RS and Works Committee of the AAHK  |
| Ms Julia M.K. Lau   | - being a member of the Hong Kong Special Administrative Region Aviation Development and 3RS Advisory Committee of the Transport and Housing Bureau  |

- |   |   |   |
|---|---|---|
| Ms Janice W.M. Lai                      | - | having current business dealings with AAHK (C1)   |
| Dr C.P. Lau                             | - | having business dealings with AAHK (C1) within the past three years   |
| Professor K.C. Chau                     | ] | being members of the Advisory Council on the Environment which endorsed the Environmental Impact Assessment report of the 3RS project. Mr Wong had not yet joined ACE when such EIA report was endorsed |
| Mr Stanley Y.F. Wong<br>(Vice-Chairman) | ] |   |
| Mr Clarence W.C. Leung                  | - | his company was a member of the Chinese Manufacturers' Association of Hong Kong (C20) and was not involved in the preparation of the comment.   |

41. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting.

42. The Secretary briefly introduced the Paper. On 8.5.2015, the draft Chek Lap Kok Outline Zoning Plan (OZP) No. S/I-CKL/13 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition periods, a total of 12,208 valid representations and 346 comments were received. After consideration of the representations and comments, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP and not to meet the representations. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

43. After deliberation, the Board agreed:

- (a) that the draft Chep Lap Kok OZP S/I-CKL/13A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the Chep Lap Kok OZP S/I-CKL/13A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Chep Lap Kok OZP S/I-CKL/13A was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 7**

[Open Meeting]

Submission of the Draft Ma Tau Kok Outline Zoning Plan No. S/K10/21A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 10087)

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[The meeting was conducted in Cantonese.]

### **Declaration of Interests**

44. The Secretary reported that as one of the amendment items of the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/21 was for a public housing to be undertaken by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in the item:

Mr Stanley Y.F. Wong (Vice-Chairman)	-	being a member of the HKHA and its Strategic Planning Committee (SPC), and the Chairman of its Subsidised Housing Committee (SHC)
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- |  |   |   |
|--|---|---|
| Professor P.P. Ho  | - | being a member of the Building Committee (BC) of HKHA   |
| Ms Julia M.K. Lau  | - | being a member of HKHA and its Commercial Properties Committee and Tender Committee (TC)                  |
| Mr H.F. Leung  | - | being a member of TC of HKHA  |
| Mr K.K. Ling<br><i>(as Director of Planning)</i>                                       | - | being a member of SPC and BC of HKHA  |
| Ms Bernadette H.H. Linn<br><i>(as Director of Lands)</i>                               | - | being a member of HKHA  |
| Mr Martin W.C. Kwan<br><i>(as Chief Engineer (Works),<br/>Home Affairs Department)</i> | - | being an alternate representative of the Director of Home Affairs who was a member of SPC and SHC of HKHA |
| Mr Ivan C.S. Fu  | ] |   |
| Ms Janice W.M. Lai   | ] | having business dealings with HKHA  |
| Mr Dominic K.K. Lam  | ] |   |
| Mr Patrick H.T. Lau  | ] |   |
| Dr. Lawrence W.C. Poon   | - | his spouse being an employee of HD but not involved in planning work                                      |

45. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting.

46. The Secretary briefly introduced the Paper. On 15.5.2015, the draft Ma Tau Kok OZP No. S/K10/21 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition periods, a total of 146 representations and one comment were received. After consideration of the representations

and comment, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP and not to meet the representations. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

47. After deliberation, the Board agreed:

- (i) that the draft Ma Tau Kok OZP No. S/K10/21A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (ii) to endorse the updated Explanatory Statement (ES) for the draft Ma Tau Kok OZP No. S/K10/21A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (iii) that the updated ES for the draft Ma Tau Kok OZP No. S/K10/21A was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 8**

[Open Meeting]

### **Any Other Business**

[The meeting was conducted in Cantonese.]

48. Since the meeting was the last meeting of the current term (2014-2016) of the full Town Planning Board (the Board), the Chairman extended a vote of thanks to those retiring Members for their contributions to the work of the Board in the past years.

49. There being no other business, the meeting was adjourned at about 11:10 a.m.