

TOWN PLANNING BOARD

**Minutes of 317th Meeting of the
Metro Planning Committee held at 9 :00 a.m. on 10.12.2005**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Professor Bernard V.W.F. Lim

Mr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Anthony Loo

Deputy Director of Planning/District
Mr. Raymond T.L. Chiu

Secretary

Absent with Apologies

Mrs. Angelina P.L. Lee

Mr. K.G. McKinnell

Mr. Erwin A. Hardy

Mr. Leslie H.C. Chen

Professor N.K. Leung

Mr. Stanley Y.F. Wong

Assistant Director(2), Home Affairs Department
Ms. Margaret Hsia

Assistant Director (Environmental Assessment and Noise),
Environmental Protection Department
Mr. Elvis W.K. Au

Deputy Director (General), Lands Department
Mr. J.S. Corrigan

In Attendance

Assistant Director of Planning/Board
Mr. P.Y. Tam

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

Town Planner/Town Planning Board
Mr. Philip K.S. Chang

Agenda Item 1

Confirmation of the Draft Minutes of the 316th MPC Meeting held on 25.11.2005

[Open Meeting]

1. The draft minutes of the 316th MPC meeting held on 25.11.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Town Planning Appeals Received

Town Planning Appeal No. 23 of 2005 (23/05)
Temporary Public Vehicle Park (excluding Container Vehicles)
for a Period of 3 Years
in “Village Type Development” zone,
Lots 145(Part), 147A, 147B, 147C, 147RP, 148, 149A, 149B, 149C, 149D,
149RP(Part), 151(Part) and 3405 in DD 102 and
Adjoining Government Land,
San Tin, Yuen Long
(Application No. A/YL-ST/284)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 22.11.2005 received an appeal against the decision of the Board (on 21.10.2005) to reject on review an application (No. A/YL-ST/284) for a temporary public vehicle park (excluding container vehicles) for a period of 3 years at a site zoned “Village Type Development” on the draft San Tin Outline Zoning Plan (No. S/YL-LFS/7). The hearing date of the appeal was yet to be fixed.

(ii) **Town Planning Appeal Decision Received**

Town Planning Appeal No. 5 of 2004 (5/04)
Temporary Open Storage of Metals and Metal Workshop
for a Period of 3 Years
in “Agriculture” zone
Lot 1274 in DD39, Tai Long, Luk Keng
(Application No. A/NE-LK/41)

3. The Secretary said that the appeal was against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/NE-LK/41) for a temporary open storage of metals and metal workshop for a period of 3 years at a site zoned “Agriculture” (“AGR”) on the approved Luk Keng and Wo Hang Outline Zoning Plan No. S/NE-LK/6. The captioned appeal was heard and dismissed by the Town Planning Appeal Board (TPAB) respectively on 7.9.2005 on 30.11.2005. A copy of the Summary of Appeal and the TPAB’s decision were tabled at the meeting for Members’ reference.

(iii) **Appeal Statistics**

4. The Secretary also reported that as at 10.12.2005, 24 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	14
Dismissed	:	82
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	26
Decision Outstanding	:	0

233

Kowloon District

[Mr. Raymond K.W. Lee, District Planning Officer/Kowloon (DPO/K), and Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K10/209 Proposed Flats, and Shop and Service Development
in “Residential (Group E)” zone,
5 and 9 Yuk Yat Street,
To Kwa Wan

 (MPC Paper No. A/K10/209)

Presentation and Question Sessions

[Ms. Sylvia S.F. Yau arrived to join the meeting during the presentation session.]

5. Mr. C.C. Lau, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed flats, and shop and service development;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no local objection was received for the application, while there was one public comment raising concern on the future shop and services use at the application site. The commenter considered that uses such as pub, internet bar, amusement games centre would not be appropriate for the area;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper; and
- (f) the proposed condition at paragraph 11.2(a) of the Paper should read as an advisory clause under paragraph 11.3.

6. A Member asked whether relevant Government departments had raised any concern on potential interface issues arising from the presence of industrial operations near the application site and the rather tight space separating the proposed high-rise residential development from the adjoining existing buildings.

7. Mr. Raymond K.W. Lee, DPO/K, pointed out that the disposition of the proposed building block was away from the narrow back lane towards the frontage of Yuk Yat Street, and the area on the other side of the back lane was zoned “Residential (Group A)”. Upon the applicant’s clarification on the Environmental Assessment submitted for the application, the Environmental Protection Department had raised no objection to the application as reflected in paragraph 9.4 of the Paper. Mr. Lee also pointed out that the two lots involved in the subject application (at No. 5 Yuk Yat Street and No. 9 Yuk Yat Street) were the subjects of two separate previous planning approvals for similar uses.

Deliberation Session

8. Members had the following comments :
- (a) it was not uncommon to receive complaints from the residents in area where there was a mix of industrial and residential buildings. The local residents would often bring the matter to the relevant district councillors for assistance. It was more appropriate for any potential environmental problems that might arise from the subject development to be addressed at the planning stage by the applicant;
 - (b) the proposed development could be supported as it was in line with the planning intention of “Residential (Group E)” (“R(E)”) zone, i.e. to phase

out existing industrial activities through redevelopment to residential use. However, the proposed building height of 51-storey (155.4mPD) would be visually incompatible and excessive comparing to the existing buildings in the area, mostly about 10 storeys or so in height. Instead of addressing the visual impact by means of an approval condition requiring for a visual impact assessment report, a reduction in the proposed building height would be more practicable;

- (c) while imposition of building height restriction might be desirable, a potential wall effect along the waterfront might possibly result as the developer would likely seek to maximize the number of sea view units. The applicant should better be encouraged to improve the overall building design, including air ventilation; and
- (d) the photomontage at Figure 4.1 of the Paper illustrated that the proposed development would encroach into the ridgeline. Imposition of building height restriction should therefore be considered. A comprehensive review of building heights for the area should be conducted and variation in building height profile could be considered.

9. The Chairman remarked that the applicant seemed to have addressed the environmental concerns as EPD had no objection to the application. Although improvement of air ventilation could be achieved through building design, such as provision of sky garden, building height would be an important consideration in view of the strategic waterfront location of the application site.

10. Referring to Plan A-1 and paragraph 9.7(a) of the Paper, the Secretary said that the Committee should take note of the fact that the Board had previously approved a number of applications in the area involving developments with building height similar to the present application.

11. Mr. Raymond K.W. Lee, DPO/K, made the following points :

- (a) there was no statutory building height restriction on the Ma Tau Kok Outline

Zoning Plan (OZP) for the “R(A)” and “Residential (Group E)” zones. The existing older residential buildings surrounding the application site in the area within the “R(A)” zone were mainly low to medium rise buildings;

- (b) the application site was subject to two previous similar applications (A/K10/180 and A/K10/178) approved by the Committee, one at No. 5 Yuk Yat Street and the other at No. 9 Yuk Yat Street, with proposed building height at 137.75mPD and 141.10mPD respectively. Further north of the application site, the building height of an approved development at a “R(E)” site was 158mPD (Application No. A/K10/186 approved on 8.9.2000). Another “R(E)” site at the former Ma Tau Kok Gas Works (South Plant) (covered by the Kai Tak (South) OZP), was approved with a building height of 175.5mPD (Application No. A/K21/4 approved on 31.5.2002); and
- (c) the application site was connected to Kai Tak development area. Building height restrictions forming a stepped height profile rising from the waterfront to the inland was stipulated on the relevant OZP covering the Kai Tak development area. Since further reclamation in south east Kowloon would be unlikely, a review of the building heights in this area would be undertaken in due course. Similar review had been completed for other areas in Kowloon such as Kwun Tong and Kowloon Bay and the building height restrictions had been incorporated into the relevant OZP.

12. The Vice-chairman said that the proposed development could be supported as it would help improve the surrounding area. The applicant should however improve the design and disposition based on the previously approved building height of 141.10mPD and to address the concern of the Committee with respect to air ventilation and wall effect.

13. Mr. Raymond K.W. Lee said that the Committee’s views on maintaining the previously approved building height for the proposed development could be stipulated as an approval condition. Alternatively, the Committee could consider defer making a decision on the application and requiring the applicant to re-submit a proposal addressing the concerns of the Committee.

14. The Chairman remarked that it was important to assess the subject planning application in the context of the latest planning circumstances. As there would unlikely be further reclamation at Kowloon Bay, the proposed building height of 155.4mPD by the waterfront area might not be appropriate. In this regard, the applicant could be asked to produce another scheme with a building height not exceeding that of the previously approved application, i.e. 141.10mPD, and to address the air ventilation concern.

15. After deliberation, the Committee decided to defer a decision on the application and agreed that the applicant should submit a revised design scheme based on a maximum building height of 141.10mPD and to submit further information with respect to air ventilation. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information.

[Open Meeting (Presentation and Question Sessions Only)]

(ii) A/K14/490 Shop and Services (Bank/Retail/Showroom/Supermarket/
Fast Food Shop/Photographic Studio)
in “Other Specified Uses” annotated “Business” zone,
Unit G and Storeroom, G/F,
Everest Industrial Centre,
396 Kwun Tong Road,
Kwun Tong

(MPC Paper No. A/K14/490)

(iii) A/K14/491 Shop and Services (Fast Food Shop)
in “Other Specified Uses” annotated “Business” zone,
Unit R, G/F Everest Industrial Centre,
396 Kwun Tong Road,
Kwun Tong

(MPC Paper No. A/K14/491)

(iv) A/K14/492 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit J, G/F,
Everest Industrial Centre,
396 Kwun Tong Road,
Kwun Tong

(MPC Paper No. A/K14/492)

(v) A/K14/493 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit D, G/F,
Everest Industrial Centre,
396 Kwun Tong Road,
Kwun Tong

(MPC Paper No. A/K14/493)

- (vi) A/K14/494 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit E, G/F,
Everest Industrial Centre,
396 Kwun Tong Road,
Kwun Tong

(MPC Paper No. A/K14/494)

Presentation and Question Sessions

16. Noting that the five applications (No. A/K14/490 to 494) were for shop and services use at various premises on the ground floor of the same industrial building, Members agreed that these applications could be considered together.

17. Mr. C.C. Lau, STP/K, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed shop and services uses;
- (c) departmental comments – highlighting that except for application No. A/K14/491, Fire Services Department (FSD) objected to the other applications (No. A/K14/490, 492, 493 and 494) as approval of the floor area of the proposed use under each of these applications would result in exceedance of the tolerable limit of 460m² for a fully sprinklered industrial building;
- (d) no local objection was received from the District Officer (Kwun Tong), while there were three public comments (with two supporting and one objecting the application mainly on the ground of environmental nuisance generated by the operation of food business); and
- (e) the Planning Department (PlanD)’s views – based on the FSD’s advice,

PlanD did not support Applications (No. A/K14/490, 492, 493 and 494) while PlanD had no objection to Application No. A/K14/491. Detailed reasons were given in paragraph 11.1 of each the relevant Papers.

18. Members had the following questions and comments :

- (a) by adopting the 460m² criteria in assessing the applications, why Application No. A/K14/491 was recommended for approval while the other Applications were recommended for rejection;
- (b) retail operations were quite commonly found on the ground floor of industrial buildings. It was not certain why there was recently an influx of planning applications for such uses, and what would be the implication for the remaining ground floor area of this type of building once the floor area limit (respectively 230m² and 460m² for non-sprinklered building and fully-sprinklered building) had been reached; and
- (c) the guidelines with respect to the FSD's floor area criteria should be made known to the public to avoid ambiguity on how applications for shops and services were assessed.

19. Referring to Plan A-3 of the Papers, Mr. Raymond K.W. Lee, DPO/K stated that the unit relating to Application No. A/K14/491 was located at the southwest corner on the ground floor of the subject industrial building. The proposed fast food shop was exempted from the FSD's criteria. Paragraph 6 of the Papers provided the relevant application history and the type of shop and services use found at the subject industrial building. The applications were submitted as a result of lease enforcement actions taken by the District Lands Officer.

20. The Chairman said that the Committee's focus should be on whether the proposed use at the industrial building was acceptable, taking into account views from relevant Government departments.

21. In response to the Chairman's enquiry, the Secretariat reported that the relevant Guidelines on FSD's floor area criteria would be presented to the Board at the forthcoming

Board's meeting.

22. Referring to the application history table under paragraph 6 of each of the Papers, a Member suggested and Mr. Raymond K.W. Lee agreed to include for future cases the submission date of the application in the summary table.

23. A Member asked whether there should be a limit to the development of fast food shop on the ground floor of an industrial building which was exempted from the FSD's floor area criteria. The Chairman suggested that FSD should be further consulted on whether there were any limits on the exempted use(s).

[Mr. S.L. Ng left the meeting temporarily during the deliberation session.]

Deliberation Session

24. In agreeing with PlanD's recommendations on the applications, a Member suggested that the relevant Guidelines should include practical information as to the criteria adopted by the Board in considering applications for commercial uses in industrial buildings and the possibility of FSD's acceptance of whole-floor conversion to commercial uses subject to the provision of a buffer floor of low risk uses (eg. car park) separating the commercial and industrial uses of the same building.

25. As the Owner's Incorporation of the subject industrial building had expressed a concern on possible environmental nuisance, a Member asked whether relevant Government departments had taken such view into account when assessing the Application No. A/K14/491 for fast food shop. Mr. Raymond K.W. Lee responded that the Food and Environmental Hygiene Department had been consulted in this regard, and had posed no objection to the application. The applicant would be required to comply with all licensing requirements as reflected in paragraph 9.1.7 of the relevant Paper.

26. The Chairman added that the Committee would not be in a position to mediate conflicts between the Owner's Incorporation and individual owners and suggested that the view of the Owner's Incorporation be passed on to the applicant in the form of an advisory clause, should the Application No. A/K14/491 be approved.

27. After further deliberation, the Committee decided to reject each of the applications (No. A/K14/490, A/K14/492, A/K14/493 and A/K14/494) and the reason was that the application was not acceptable from fire safety point of view.

28. After deliberation, the Committee decided to approve the application (No. A/K14/491), on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the condition that the submission and implementation of fire safety measures be to the satisfaction of the Director of Fire Services or of the TPB.

29. The Committee also agreed to advise the applicant (of Application No. A/K14/491) of the following :

- (a) consult District Lands Officer/Kowloon East, Lands Department on the size of the application premises in order to facilitate the processing of the temporary waiver;
- (b) any operation of food business under Food Business Regulation, Cap.132 would require application to Food and Environmental Hygiene Department for a relevant licence/permit; and
- (c) note the concerns of the Owner's Incorporation of Everest Industrial Centre on possible adverse environmental and health impacts arising from the food business operation as reflected in Appendix IIIb of the Paper.

[Mr. S.L. Ng returned to join the meeting at this point.]

Deliberation Session

32. The Chairman remarked that it would not be appropriate to approve the application, as the application involved the use of unauthorized building structures, which according to the Buildings Department, should not be used for school purpose.

33. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the application premises involved unauthorized building works which should not be used for school purposes; and
- (b) there was insufficient information in the submission to demonstrate the adequacy of parking/loading/unloading facilities for the school.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/K18/233 Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Ancillary Plant Room Use in a Proposed Residential Development in “Residential (Group C)1” zone, 4 Somerset Road, Kowloon Tong, NKIL 862
(MPC Paper No. A/K18/233)
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Presentation and Question Sessions

34. The application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). The Committee noted that Mrs. Angelina Lee (having tendered her apology of not being able to attend the meeting) and Mr. Tony Tse, respectively as a non-executive director and an employee of Henderson, had both declared interests in this item. As there was a request from the applicant for deferral, Members agreed that Mr. Tse could

remain at the meeting.

35. Mr. C.C. Lau, STP/K said that the applicant had requested for deferment of consideration of the application in order to allow sufficient time to address technical concerns raised by the relevant Government departments.

Deliberation Session

36. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. 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.

[The Chairman thanked Mr. Raymond K.W. Lee, DPO/K, and Mr. C.C. Lau, STP/K, for their attendance to answer Members' enquiries. Messrs. Lee and Lau left the meeting at this point.]

[Mr. Tony W.C. Tse and Ms. Sylvia S.F. Yau left the meeting temporarily at this point.]

Hong Kong District

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK) and Mr. Kevin C.P. Ng, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H3/367 Proposed Telecommunications Radio Base Station
in “Other Specified Uses” annotated
“Wholesale Market” zone, Roof of Poultry Market,
Western Wholesale Food Market,
Fung Mat Road,
Shek Tong Tsui

(MPC Paper No. A/H3/367)

[Mr. Tony W.C. Tse returned to join the meeting during the presentation session.]

Presentation and Question Sessions

37. Mr. Kevin C.P. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation;
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation (AFCD) did not support the application as the proposed installation would pose potential constraints to the development of a slaughtering plant at the subject wholesale market building;
- (d) no public comment and no local objection was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

38. Members had no question on the application.

42. Mr. Kevin C.P. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation;
- (c) departmental comments – no adverse comments from concerned Government departments were received. The Harbour-front Enhancement Committee (HEC) had also been consulted on the proposed development;
- (d) local objections received as reflected in paragraph 8.1.10 of the Paper were mainly on the ground of possible traffic, air and noise impacts during construction of the pumping station. A total of six public comments received with four supporting the application. Of the remaining two comments which were detailed in paragraph 9.1 and 9.2 of the Paper, one raised concern on potential traffic and environmental impacts on Shun Tak Centre during construction of the pumping station, while the other considered that effort should be made to further improve the overall design, and that the public should not be deprived of visual and physical accessibility to the harbour front; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

43. Members had the following questions :

- (a) what would be the arrangement as to the future maintenance of the open space once completed by the applicant;
- (b) whether there would be landscape improvement to the salt water pumping station to the west of the application site; and

- (c) whether all the structures shown on Figure 4.3 of the Paper were at grade.

44. In response, Ms. Christine K.C. Tse, DPO/HK, said that the Leisure and Cultural Services Department would take up the management and maintenance responsibilities of the landscaping area (as reflected in paragraph 8.1.2(a) of the Paper). As to the proposed structure on the application site as shown on Figure 4.3, Ms. Tse pointed out that the pump house structure at the south western corner would stand above ground at a height of 5.65mPD, while the elevation level of the wooden deck, being a landscape feature, would be at 4.35mPD. A Member added that there was also a crane beam frame above the removable green lawn floor unit shown on the northwest portion of the application site. As to the area reserved for Harbour Area Treatment Scheme (HATS) facilities, it was located to the east and outside the application site. Details of the HATS facilities were not available at this stage.

45. The Chairman said that the salt water pumping station to the west of the application site was not related to the subject application, and it was under the ownership of the Water Services Department. Improvement of that site could perhaps be a subject for HEC when considering waterfront beautification.

[Dr. Greg C.Y. Wong returned to join the meeting during the deliberation session.]

Deliberation Session

46. A Member commended the Applicant's effort to design and keep the site accessible for the enjoyment of the public upon completion of the development.

47. Noting that the off-site landscaping works within the same "Open Space" ("O") zone to the further east of the application site was part of the applicant's proposal, the Chairman suggested that should the application be approved, the condition as currently reflected in paragraph 10.3(b) of the Paper requiring the design and provision of temporary landscaping works for the "O" zone outside the application site should be suitably revised to reflect that the proposed landscaping works was initiated by the applicant.

48. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid

until 10.12.2009, 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 design and provision of landscaping works within the application site to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (b) the design and provision of temporary landscaping works for the “Open Space” zone outside the application site as proposed by the applicant, subject to the development programme(s) of the Harbour Area Treatment Scheme Stage 2 project and/or the Sun Yat Sen Memorial Park (further development of Phase II), to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (c) the submission and implementation of a tree preservation scheme to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (d) the provision of fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

49. The Committee also agreed to advise the applicant to note the comments of the District Lands Officer/Hong Kong West & South, the Chief Town Planner/Urban Design & Landscape of Planning Department, the Assistant Commissioner for Transport/Urban, the Director of Environmental Protection, the Chief Engineer/Development(2) of Water Supplies Department and the District Officer (Central and Western) in paragraphs 8.1.1(b), 8.1.3(b), 8.1.4, 8.1.5(c), 8.1.7(b) and 8.1.10(c) of the Paper respectively.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H10/75 Shop and Services
 in “Residential (Group B)” zone,
 Part of G/F,
 Commercial Block B,
 Pokfulam Gardens,
 180 Pok Fu Lam Road
 (MPC Paper No. A/H10/75)
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Presentation and Question Sessions

50. Mr. Kevin C.P. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no local objection were received from the District Officer (Southern), but there were 7 public comments with two expressing objection to the application on the ground of noise and law and order, and the remaining five raising concern about potential adverse impacts on environment, pedestrian and traffic, and pointing out that uses such as real estate agency, off-course betting centre and bar should not be allowed; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

51. Members raised the following points and questions :

- (a) it would be difficult for the proposal to materialize since there was an

objection from the Owner's Incorporation;

- (b) it was not certain why the subject site, being a commercial block, would require planning application for shop and services; and
- (c) it seemed that the location of the commercial block was to cater for the residents of Pokfulam Gardens, but the proposed uses appeared to cater more for the general community.

52. The Chairman said that planning application was required as the commercial block was within an area zoned "Residential (Group B)" ("R(B)"). Ms. Christine K.C. Tse added that commercial uses were Column 2 uses (as per the Pok Fu Lam Outline Zoning Plan) which might be permitted on application to the Town Planning Board.

53. Referring to paragraph 1.1. of the Paper, Ms. Christine K.C. Tse, DPO/HK, said that the shop and service uses under application were for a wide variety of commercial uses including real estate agencies, convenience stores, laundry shops, photo services shops, etc. to serve the local residents.

54. The Vice-Chairman noted that according to the occupation permit, the application premises were mainly for bank use. Ms. Christine K.C. Tse explained that bank and a list of other commercial uses considered compatible was grouped under a broad use term (BUT), namely 'shops and services', to streamline the planning application process. A Member added that BUT was introduced to provide flexibility of change of uses under the same broad use category as part of the recent revision of the Master Schedule of Notes for Statutory Plans.

55. The Chairman remarked that the local residents might have a valid concern if the commercial block was to be used as off-course betting centre and bar. The Secretary clarified that these two uses were not included in the BUT under 'shop and services', and separate planning applications for these uses would be required. The Chairman added that the applicant should be advised of this.

Deliberation Session

56. The Chairman remarked that unlike “Residential (Group A)” zone where general commercial uses were permitted as of right on the lower floors, “R(B)” or “Residential (Group C)” zone was different in terms of planning intention where commercial uses were subject to application for planning permission.

57. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision of fire services installations for the proposed use at the application premises to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 10.12.2009, 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.

58. The Committee also agreed to advise the applicant of the following :

- (a) to submit building plans on the building works within the application premises to the Director of Buildings to demonstrate compliance with the Buildings Ordinance;
- (b) to note the comments from the District Lands Officer/Hong Kong West and South of Lands Department, the Director of Fire Services and the Chief Building Surveyor/Hong Kong West of Buildings Department as stated in paragraphs 9.1.1, 9.1.2 and 9.1.3 of the Paper respectively; and
- (c) to note that uses such as bar, off-course betting centre are not under the user category of ‘shop and services’, and separate planning applications would be required for such as stated in the Notes for the “Residential (Group B)” zone on the relevant Pok Fu Lam Outline Zoning Plan.

Deliberation Session

61. The Chairman remarked that although the application was within a “GB” zone, the proposed school extension was small in scale, and did not involve any site clearance. It was different from a similar planning application within a “GB” zone (German Swiss International School) rejected recently by the Committee, which involved extensive clearance of vegetation.

62. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 10.12.2009, 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 water supplies for fire fighting and fire services installations to the satisfaction of Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

63. The Committee also agreed to advise the applicant to note the comments from the District Lands Officer/Hong Kong West and South of Lands Department and the Director of Fire Services at paragraphs 10.1.2 and 10.1.3 of the Paper respectively.

[The Chairman thanked Ms. Christine K.C. Tse, DPO/HK and Mr. Kevin C.P. Ng, STP/HK for their attendance to answer Members’ enquiries. Ms. Tse and Mr. Ng left the meeting at this point.]

[A 5-minute break was taken.]

- (d) no local objection, while 2 public comments expressing no objection were received for the application; and
- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application for reasons given in paragraph 9.1 of the Paper.

65. Members had no question on the application.

Deliberation Session

66. The Chairman remarked that in view of the advice from CEDD, should the application be approved, it should be for a period of 18 months instead of 24 months as applied for in order not to affect the timing of the road construction.

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months commencing January 2006 until end of June 2007, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision and maintenance of a protective net of the golf driving range be to the satisfaction of the Director of Leisure and Cultural Services or of the TPB.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TW/375 Proposed Flat
in “Residential (Group E)” zone,
106-114 Kwok Shui Road,
Tsuen Wan

(MPC Paper No. A/TW/375)

Presentation and Question Sessions

68. Mr. Louis K.H. Kau, DPO/TWK, said that the applicant had submitted a request for deferment of consideration of the application in order to allow time to address the comments from relevant Government departments.

Deliberation Session

69. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. 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.