

TOWN PLANNING BOARD

**Minutes of 330th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 21.7.2006**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

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

Assistant Director (Kowloon), Lands Department
Mr. James Merritt

Deputy Director of Planning/District
Mr. Anthony T.K. Kwan

Secretary

Absent with Apologies

Mr. Erwin A. Hardy

Professor Bernard V.W.F. Lim

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Assistant Director(2), Home Affairs Department
Miss Linda Law

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Ms. Paulina L.S. Pun

Vote of Thanks

1. The Chairman informed Members that this meeting would be the last Committee meeting under his chairmanship before his retirement. He thanked Members for their support in the work of the Committee throughout the years. The Vice-chairman, representing all the Members, gave a vote of thanks to the Chairman.

[Dr. Daniel B.M. To and Mr. Anthony Loo arrived to join the meeting at this point.]

Agenda Item 1

Confirmation of the Draft Minutes of the 329th MPC Meeting held on 7.7.2006

[Open Meeting]

2. The draft minutes of the 329th MPC meeting held on 7.7.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

3. There were no matters arising from the last meeting.

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Louis K.H. Kau, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

[Ms. Starry W.K. Lee arrived to join the meeting at this point.]

5. Members had no question on the application.

Deliberation Session

6. The Chairman said that a previous approval for a similar hotel development on the site had been granted by the Committee before, and the proposed development was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone.

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.7.2010, 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 service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of car parking facilities, loading/unloading spaces, lay-by facilities and vehicular run-in/run-out point for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the widening of the footpath along Tai Kok Tsui Road southbound at the frontage of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and provision of a corner splay at the junction of Ivy Street and Tai Kok Tsui Road to the satisfaction of the Commissioner for Transport or of the TPB; and
- (e) the submission of a revised Sewerage Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB.

8. The Committee also agreed to advise the applicant :
- (a) that the approval of the application did not imply the gross floor area exemption for hotel concession and back of house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
 - (b) to apply to the Director of Lands for lease modification for the proposed hotel development;
 - (c) to consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel; and
 - (d) to comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue regarding arrangement on emergency vehicular access.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/K5/616 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Units D1 (Portion) and D2 (Portion), G/F, Garment Centre,
576-586 Castle Peak Road,
Cheung Sha Wan
(MPC Paper No. A/K5/616)
-

Presentation and Question Session

9. Mr. Louis K.H. Kau, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :
- (a) background to the application;
 - (b) the proposed shop and services use;

- (c) departmental comments – no objection from concerned Government departments, including the Fire Services Department (FSD), was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

10. In response to a Member's enquiry on whether the subject premises were involved in previous applications, Ms. Heidi Y.M. Chan, DPO/TWK, said that Units D1 and D2 had been involved in two previous applications for shop and services use. Application No. A/K5/581 covering Units B, C1, C2, C3, E, F as well as Units D1 and D2, with a proposed commercial floor area of 1,520m², was rejected by the Committee on 28.1.2005 on fire safety ground. The other application (No. A/K5/588) covering Unit B and a portion of Unit D2 was approved with conditions by the Committee on 27.5.2005. The Chairman added that the former application was rejected because the proposed commercial floor area on the ground floor of the subject industrial building exceeded the maximum permissible of 460m² set by the FSD.

Deliberation Session

11. The Chairman said that based on the information on similar approved applications within the subject building (as detailed in paragraph 6.1 of the Paper), the aggregate commercial floor area on the ground floor of the subject building would amount to 460m² with the inclusion of the proposed shop and services use under application. It was noted that the FSD had no objection to the application.

12. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.7.2008, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) provision of fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above condition of approval was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

13. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver to permit the applied use; and
- (b) consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of building plans in respect of separation of the proposed shop and services use from the industrial portion of the subject building by proper fire resistance construction and design and provision of means of escape, provision of access and facilities for persons with a disability, and provision of sanitary fitments.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/TWW/84 Proposed Public Utility Installation
(Sewage Pumping Station)
in an area designated as 'Road',
Government Land in DD 387,
Tsing Lung Tau, Tsuen Wan West
(MPC Paper No. A/TWW/84)
-

Presentation and Question Session

14. Mr. Louis K.H. Kau, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.2 of the Paper.

15. Members had no question on the application.

Deliberation Session

16. Members noted that some landscaping had been proposed within the application site for beautification of the sewage pumping station.

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.7.2010, 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 implementation of noise mitigation measures and deodorization equipment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the design and provision of fire-fighting facilities to the satisfaction of the Director of Fire Services or of the TPB; and

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

18. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Tsuen Wan and Kwai Tsing for a permanent allocation to permit the applied use; and
- (b) liaise with the Director of Fire Services regarding the design and provision of emergency vehicular access.

[Mr. Felix W. Fong arrived to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iv) A/TWW/85 Proposed House Development
in “Residential (Group C)3” and “Green Belt” zones,
Lots 387RP and 417RP in DD 399,
Ting Kau, Tsuen Wan West
(MPC Paper No. A/TWW/85)
-

Presentation and Question Session

19. The application was submitted by Citijoy Limited which was a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Dr. Greg C.Y. Wong and Mr. Raymond Y.M. Chan, having current business dealings with SHKP, had declared interests in this item. Nevertheless, the Committee noted that the applicant requested on 13.7.2006 for a deferment of the consideration of the application to allow time to prepare further information in support of the application. As such, Dr. Wong and Mr. Chan were allowed to stay in the meeting.

Deliberation Session

20. 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.

[Open Meeting (Presentation and Question Session only)]

- (v) A/TY/94 Proposed Public Utility Installation (Package Transformer)
in “Village Type Development” zone,
Tsing Fai Village,
Fung Shue Wo Road, Tsing Yi
(MPC Paper No. A/TY/94)
-

Presentation and Question Session

21. The Committee noted that the applicant requested on 30.6.2006 for a deferment of the consideration of the application to allow time for addressing the concerns raised by the Water Supplies Department.

Deliberation Session

22. 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 Ms. Heidi Y.M. Chan, DPO/TWK, and Mr. Louis K.H. Kau, STP/TWK, for their attendance to answer Members’ enquiries. Ms. Chan and Mr. Kau left the meeting at this point.]

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 4

Section 16 Application

[Open Meeting (Presentation and Question Session only)]

A/K9/210 School (Tutorial School)
 in “Residential (Group A)” zone,
 Office A, 5/F, Nan On Commercial Building,
 69A Wu Hu Street,
 Hung Hom (HHIL 540)
 (MPC Paper No. A/K9/210)

Presentation and Question Session

23. 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 school (tutorial school);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper.

24. Members had no question on the application.

Deliberation Session

25. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the provision of fire service installations and equipment within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 21.1.2007; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

26. The Committee also agreed to advise the applicant to :

- (a) consult the Registration Section of the Education and Manpower Bureau on school registration process under the Education Ordinance/Regulations; and
- (b) consult the Buildings Department on the provision of access and facilities for persons with a disability.

Agenda Item 5

Section 16A Application

[Open Meeting (Presentation and Question Session only)]

A/K14/475-1 Application for Amendments to Approved Development Proposal –
Proposed Amendments to an Approved Commercial/Office Scheme
in “Other Specified Uses” annotated “Business” zone,
223-231 (Odd Numbers) Wai Yip Street and 39 King Yip Street,
Kwun Tong (KTIL 744)
(MPC Paper No. A/K14/475-1)

27. The application was submitted by Profit System Development Ltd. which was a subsidiary company of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Y.M. Chan, having current business dealings with Henderson, declared an interest in this item.

[Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

Presentation and Question Session

28. Mr. Raymond K.W. Lee, DPO/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to an approved commercial/office scheme;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. Initially, two local objections were received from the District Officer. One objection was on the ground that the change in built form might lead to an increase in plot ratio. The other objector considered that there was insufficient information to compare the differences between the approved

and current schemes. Subsequently, the latter objector changed his view to supporting the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 8.3 of the Paper in that the nature of use and the major development parameters remained unchanged when compared with the approved scheme (Application No. A/K14/475). Concerned Government departments did not have adverse comments on the application. The remaining local objection was due to misinterpretation of the proposed amendments only.

29. A Member said that the Board approved the application No. A/K14/475 on review with the consideration that the proposed scheme would bring improvement to the streetscape by providing a piazza and landscaped areas on the ground level. Noting that the Urban Design and Landscape Section of the PlanD had no objection to the current application, this Member enquired whether the provision and location of the piazza and landscaped areas in the current application would be better than the approved scheme. In response, Mr. Raymond K.W. Lee referred Members to paragraph 1.3(e) and Drawing A-2 of the Paper and said that compared with the approved scheme, there would be slight increases in the piazza area and landscaped areas on the ground floor in the current application from 200m² to 215m² and from 230m² to 378m² respectively. Such changes were Class A amendments which were always permitted. The Chairman said that according to the drawing, the building blocks were further setback from Wai Yip Street. In general, there was a slight improvement in the provision of piazza and landscaped areas under the current scheme.

[Mr. Elvis Au left the meeting temporarily at this point.]

30. Another Member said that the approved scheme involved two L-shaped buildings with heights exceeding the height restrictions stipulated in the relevant Outline Zoning Plan (OZP). In the current application, the applicant proposed to maintain the height of the towers in terms of mPD but would change the shape of the buildings from L-shaped to two rectangular blocks. This Member enquired to what extent the L-shaped design of the buildings was previously considered as a merit by the Board in approving the previous application.

31. In response, Mr. Raymond K.W. Lee said that the application site involved a long history of planning applications which was summarized in paragraph 4.1 of the Paper. He said that in May 2003, the Committee approved application No. A/K4/414 with two L-shaped buildings for office and hotel uses at building heights of 105.55mPD and 138.95mPD respectively. In February 2005, the draft Kuwn Tong (South) OZP No. S/K14S/11, incorporating building height restrictions in the Kwun Tong Business Area, was exhibited for public inspection. Development at the application site was restricted to a maximum building height of 100mPD. However, during the discussion of the proposed amendments in the draft OZP, the Committee was informed that some committed developments, including the approved development at the application site, had building heights exceeding the height restrictions. On 16.12.2005, application No. A/K14/475 for two office towers, also with building heights at 105.55mPD and 138.95mPD, was approved upon review despite the exceedance of the building height restriction mainly on consideration that there was an increase in the landscaped area and the provision of a piazza on the ground floor for public use. Under the current application, the proposed amendments mainly included the incorporation of a footbridge linking the two towers and a change in the shape of the towers.

[Mr. Elvis Au returned to join the meeting at this point.]

32. The Chairman said that when the Board considered the previous scheme which had exceeded the building height restriction of 100mPD for the application site, the Board had respected the long planning history that the building heights proposed had been approved before the imposition of height control on the Kwun Tong Business Area. The Board's main consideration was the planning merit of the proposed piazza and landscaped area on the ground floor level, which were slightly enlarged under the current application.

33. A Member enquired whether the change in the built form from L-shaped to rectangular blocks would lead to an increase in building bulk. It was noticed that the amendments also involved an increase in floor to floor height for both towers. With the same amount of gross floor area (GFA), the resultant building bulk might become larger. In response, Mr. Raymond K. W. Lee said that according to the applicant's submission, the proposed site coverage of the development would not be more than 62.5% in both the approved and the current schemes, which complied with the site coverage restrictions in the Buildings Ordinance. The Chairman said that given the plot ratio/GFA and building heights

in terms of mPD remained unchanged, and with a reduction in the number of storeys, the building bulk under the current application should be larger than the L-shaped blocks. Nevertheless, the applicant was not proposing any change to the site coverage parameter.

Deliberation Session

34. The Chairman said that the current application involved Class A and Class B amendments to the approved scheme, and only the Class B amendments required permission. The Class B amendments included the addition of a footbridge link between the two office towers and changes in the built form of the development. The building heights approved previously should be respected.

35. In response to a Member's enquiry on Class B amendments, the Chairman clarified that the Board had delegated its authority to the Director of Planning to consider planning applications submitted under section 16(A)2 of the Town Planning Ordinance. According to the Town Planning Board Guidelines No. 36, any such application considered unacceptable by the concerned Government departments and/or with local objections would be submitted to the Board for consideration.

36. A Member suggested to impose a requirement of maintaining the proposed landscaped areas and piazza for 24-hour public access. In response, Mr. Raymond K.W. Lee said that it was the intention of the applicant to open these areas for public use. Specifications could be included in the lease requiring 24-hour public access. The Chairman agreed that the fulfillment of such requirement could be ensured at the building plan submission stage and through lease modification.

37. Mr. James Merritt said that specifications requiring 24-hour public access to the piazza and landscaped areas could be incorporated in the lease. He continued to say that under the current lease conditions, the provision of a footbridge connecting the application site to the Kwun Tong ferry pier was required. However, this footbridge was not included in the current application. In response, Mr. Raymond K.W. Lee explained that the footbridge had been included in a previously approved scheme (No. A/K14/451) and the lease had been modified accordingly. However, the footbridge was subsequently deleted under the latest approved scheme (No. A/K14/475) as concerned Government departments

considered that the applicant's proposed improvements to the design of the relevant road junction would be adequate to address the traffic concern and the footbridge was no longer required.

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

38. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.12.2009, 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 parking facilities, loading/unloading spaces, vehicular manoeuvring space, vehicular access and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
 - (b) the setting back of the proposed development along Wai Yip Street and King Yip Street to the satisfaction of the Commissioner for Transport or of the TPB;
 - (c) the setting back of the proposed development along the service lane at the north-eastern boundary of the application site to the satisfaction of the Commissioner for Transport or of the TPB;
 - (d) the design and provision of a signalized pedestrian crossing at Wai Yip Street to the satisfaction of the Commissioner for Transport or of the TPB;
 - (e) the submission and implementation of stormwater drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
 - (f) the design and provision of water supplies for firefighting and fire services installation to the satisfaction of the Director of Fire Services or of the TPB;
- and

- (g) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

39. The Committee also agreed to advise the applicant to :

- (a) note that the approval of the application did not imply that the gross floor area exemption and/or bonus plot ratio included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval; and
- (b) improve the quality of the overall street environment and incorporate street trees, roadside shrubs and other attractive design features, wherever possible so as to make positive contribution to the overall streetscape.

[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. Raymond Y.M. Chan returned to join the meeting at this point.]

Remarks

The Chairman said that the remaining item in the Agenda would not be open for public viewing since it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.