

TOWN PLANNING BOARD

Minutes of 343rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 2.2.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

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

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mrs. Shirley Lee

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

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Professor Bernard V.W.F. Lim

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. K.Y. Leung

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Simon C.K. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 342nd MPC Meeting held on 19.1.2007

[Open Meeting]

1. Mr. James Merritt proposed and Members agreed that the word ‘only’ in line 3 and the words ‘approved’ and ‘in accordance with the building plans’ in the second last line of paragraph 46 of the draft minutes be deleted.
2. The draft minutes of the 342nd MPC meeting held on 19.1.2007 were confirmed subject to the amendments as stated in paragraph 1.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 2 of 2007 (2/07)

Temporary Recycling Materials Transfer Station for a Period of 3 Years

in “Village Type Development” zone, Lots 287(Part), 296(Part), 298(Part), 301(Part), 302A, 302RP, 303, 304, 306 and 307(Part) in DD 119,

Shan Ha Tsuen, Yuen Long

(Application No. A/YL-TYST/331)

3. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) to reject on review an application (Application No. A/YL-TYST/331) for a temporary recycling materials transfer station in a “Village Type Development” zone in Shan Ha Tsuen, Yuen Long for a period of 3 years was received by the Town Planning Appeal Board (TPAB) on 17.1.2007. The hearing date of the appeal was yet to be fixed. The Secretariat would represent the TPB in dealing with all matters relating to the appeal in the usual manner.

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 22 of 2005 (22/05)

Temporary Outward Bound Training Centre for a Period of 3 Years
in “Conservation Area” and “Agriculture” zones

Lots 1303(Part), 1305(Part), 1308(Part), 1311(Part), 1317(Part), 1318(Part),
1319(Part), 1320(Part) and adjoining Government land in DD 107,

Kam Tin, Yuen Long

(Application No. A/YL-KTN/223)

4. The Secretary reported that the decision of the TPAB on an appeal had been received. The appeal was against the decision of the TPB to reject on review an application (No. A/YL-KTN/223) for temporary outward bound training centre for a period of 3 years at a site zoned “Conservation Area” (“CA”) and “Agriculture” (“AGR”) on the draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/5.

5. The Secretary said that the appeal was heard by the TPAB on 9.11.2006 and dismissed by TPAB on 23.1.2007 on the following grounds:

- (a) the application, review application and present appeal were in substance merely repetition of the previous application (for the same use submitted by the appellant in June 2003);
- (b) the appellant had never addressed any of the concerns raised by the TPB when it rejected the previous application. The appellant should provide information on what the TPB said was lacking in the previous application before making the current application;
- (c) the activities of the applied use were not in line with the planning intention of both the “CA” and “AGR” zones and were not compatible with the surrounding rural character in the vicinity and the Lam Tsuen Country Park;
- (d) that part of the New Territories was very popular with trail-walkers,

especially over weekends and on public holidays. The TPAB could not believe that the war game activities would not cause any disturbance to the large number of trail-walkers; and

- (e) in all the circumstances, the reasons by the TPB for rejecting the review application could not be faulted.

(iii) Appeal Statistics

6. The Secretary also reported that as at 2.2.2007, 27 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	95
Abandoned/Withdrawn/Invalid	:	120
Yet to be Heard	:	27
Decision Outstanding	:	1
Total	:	260

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H4/1 Application for Amendment to
the Approved Central District Outline Zoning Plan No. S/H4/12,
Proposed replacement of “Bank”, “Fast Food Shop”, “Retail Shop”,
“Service Trades” and “Showroom (excluding Motor-vehicle
Showroom)” with “Shops and Services (excluding Motor-vehicle
Showroom)” under Column 2 of the Notes of the
“Other Specified Uses” annotated “Pier” zone,
Level 2, Central Pier 3
(MPC Paper No. Y/H4/1)

Presentation and Question Sessions

7. The Secretary drew Members’ attention to the applicant’s letter of 1.2.2007 tabled at the meeting, requesting for deferment of the consideration of the application to allow time to address the comments from the Planning Department and Buildings Department.

8. The Committee noted that the application was submitted by a subsidiary of HKR Properties Ltd. (HKR). Dr. Greg C.Y. Wong declared an interest in this item as he had current business dealings with the HKR. Nevertheless, the applicant had requested for a deferment of consideration of the application and Dr. Wong could be allowed to stay at the meeting.

Deliberation Session

9. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee agreed that the application should be submitted to the Committee for

consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 4

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/H15/216

Proposed Hotel

in “Other Specified Uses” annotated “Business (1)” zone,

34 Wong Chuk Hang Road, Wong Chuk Hang – Aberdeen Inland Lot 350

(MPC Paper No. A/H15/216)

Presentation and Question Sessions

10. The application was submitted by a subsidiary of K. Wah Properties (Holdings) Ltd. (K. Wah). The Committee noted that Mr. Raymond Y.M. Chan, having current business dealings with K. Wah, had declared an interest in this item. Mr. Raymond Chan had tendered his apologies for being unable to attend the meeting.

[Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

11. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the Committee decided on 2.6.2006 to defer a decision on the application as the “Other Specified Uses” annotated “Business (1)” (“OU(B)1”) zone covering the application site was the subject of representations with regard to the proposed

amendments to the draft Aberdeen and Ap Lei Chau Outline Zoning Plan (OZP) and the statutory planning procedures related to the representations had not yet been completed. On 19.12.2006, the draft Aberdeen and Ap Lei Chau OZP was approved by the Chief Executive in Council (CE in C) under section 9(1)(a) of the Town Planning Ordinance and the approved Aberdeen and Ap Lei Chau OZP No. S/H15/24 was gazetted on 19.1.2007. Since the statutory planning procedures related to the representations to the OZP had been completed, the application was reactivated for the Committee's consideration at this meeting;

- (b) proposed hotel use with the proposed building height of 119.97mPD;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) three public comments were received during the statutory publication period, raising concerns on the excessive building height, adverse traffic and environmental impacts on surrounding area, and possible impact on the adjoining Hong Kong Electric Co. Ltd.'s (HEC) electric substation during construction of the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 2.1 of the Paper. Regarding the local concern on the excessive building height, the proposed development did not exceed the building height restriction of 120mPD under the "OU(B)1" zone of the OZP. As for the traffic and environmental concerns, both the Transport Department and Environmental Protection Department had no objection to the application. Furthermore, the applicant agreed to closely liaise with HEC to address their concerns and the Buildings Department indicated that the applicant had the responsibility to ensure that the stability of the adjoining properties would not be affected by the construction works.

12. Members had no question on the application.

Deliberation Session

13. The Chairperson remarked that the proposed development complied with the building height restriction of 120mPD under the “OU(B)1” zone as stipulated in the OZP approved by the CE in C on 19.12.2006.

14. 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 2.2.2011, 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 the internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the setting back of the proposed development by 3.5m and 3m along Wong Chuk Hang Road and Heung Yip Road respectively to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of water supply for fire fighting and fire safety installation to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development, the bonus plot ratio/gross floor area (GFA) due to the setback requirement for pavement widening on Heung Yip Road and Wong Chuk Hang Road, and the

proposed GFA exemption for 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) apply to District Lands Officer/Hong Kong West and South, Lands Department for the lease modification to permit the applied use;
- (c) note the comments of Director of Environmental Protection regarding the liaison with the Drainage Services Department when making sewer connection in future;
- (d) note the comments of Director of Fire Services regarding the compliance of Code of Practice for Means of Access for Firefighting and Rescue;
- (e) note the comments of Chief Building Surveyor/Hong Kong West of Buildings Department regarding the compliance with all criteria required for the hotel concession, the excessive floor height on G/F, 1/F and 2/F and the size of the proposed bay window of the hotel;
- (f) note the comments of Director of Electrical and Mechanical Services that close liaison with Hongkong Electric Co. Ltd. should be made to ensure the vibration generated during the construction stage would not affect the operation of the adjoining Heung Yip Road electric substation; and
- (g) note the comments of Chief Town Planner/Urban Design & Landscape, Planning Department on the landscape treatment of the proposed development.

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/H15/217

Proposed Hotel

in “Other Specified Uses” annotated “Business (1)” zone,

1 Yip Fat Street, Wong Chuk Hang –Aberdeen Inland Lot 309

(MPC Paper No. A/H15/217)

Presentation and Question Sessions

16. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the Committee decided on 16.6.2006 to defer a decision on the application as the “Other Specified Uses” annotated “Business (1)” (“OU(B)1”) zone covering the application site was the subject of representations with regard to the proposed amendments to the draft Aberdeen and Ap Lei Chau Outline Zoning Plan (OZP) and the statutory planning procedures related to the representations had not yet been completed. On 19.12.2006, the draft Aberdeen and Ap Lei Chau OZP was approved by the Chief Executive in Council (CE in C) under section 9(1)(a) of the Town Planning Ordinance and the approved Aberdeen and Ap Lei Chau OZP No. S/H15/24 was gazetted on 19.1.2007. Since the statutory planning procedures related to the representations to the OZP had been completed, the application was reactivated for the Committee’s consideration at this meeting;
- (b) proposed hotel use with the proposed building height of 119.7mPD;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period,

raising concern on the excessive building height; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 2.1 of the Paper. Regarding the local concern on the excessive building height, the proposed development did not exceed the building height restriction of 120mPD under the “OU(B)1” zone of the OZP.

17. Members had no question on the application.

Deliberation Session

18. The Chairperson remarked that the proposed development complied with the building height restriction of 120mPD under the “OU(B)1” zone as stipulated in the OZP approved by the CE in C on 19.12.2006.

19. 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 2.2.2011, 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 the internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the setting back of the proposed development by 3m along Heung Yip Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of water supply for fire fighting and fire safety installation to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development, the bonus plot ratio/gross floor area (GFA) due to the setback requirement for pavement widening on Heung Yip Road, and the proposed GFA exemption for 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) apply to District Lands Officer/Hong Kong West and South, Lands Department for the lease modification to permit the applied use;
- (c) note the advice of Director of Environmental Protection to liaise with Drainage Services Department when making sewer connection in future;
- (d) note the comments of Director of Fire Services regarding the compliance of Code of Practice for Means of Access for Firefighting and Rescue;
- (e) note the comments of Buildings Department regarding the compliance with all criteria required for the hotel concession; and
- (f) note the comments of Chief Town Planner/Urban Design & Landscape, Planning Department on the landscape treatment of the proposed development.

Agenda Item 6

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/H15/220

Proposed Hotel

in “Other Specified Uses” annotated “Business (2)” zone,

55-57 Wong Chuk Hang Road, Wong Chuk Hang – Aberdeen Inland Lot 283

(MPC Paper No. A/H15/220)

Presentation and Question Sessions

21. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the Committee decided on 20.10.2006 to defer a decision on the application as the “Other Specified Uses” annotated “Business (2)” (“OU(B)2”) zone covering the application site was the subject of representations with regard to the proposed amendments to the draft Aberdeen and Ap Lei Chau Outline Zoning Plan (OZP) and the statutory planning procedures related to the representations had not yet been completed. On 19.12.2006, the draft Aberdeen and Ap Lei Chau OZP was approved by the Chief Executive in Council (CE in C) under section 9(1)(a) of the Town Planning Ordinance and the approved Aberdeen and Ap Lei Chau OZP No. S/H15/24 was gazetted on 19.1.2007. Since the statutory planning procedures related to the representations to the OZP had been completed, the application was reactivated for the Committee’s consideration at this meeting;
- (b) proposal hotel use with the proposed building height not exceeding 140mPD;
- (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 reasons given in paragraph 2.2 of the Paper. Although this was an application for amendments to an approved scheme, the current scheme was considered as a fresh application as it deviated substantially from the previously approved scheme mainly in terms of the number of guest rooms, which increased from 300 to 450.

22. Members had no question on the application.

Deliberation Session

23. The Chairperson remarked that the proposed development complied with the building height restriction of 140mPD under the “OU(B)2” zone as stipulated in the OZP approved by the CE in C on 19.12.2006.

24. 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 2.2.2011, 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 the internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the setting back of the proposed development by 3.5m along Wong Chuk Hang Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of water supply for fire fighting and fire safety installation to the satisfaction of the Director of Fire Services or of the

Town Planning Board; and

- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development, the bonus plot ratio/gross floor area (GFA) due to the setback requirement for pavement widening on Wong Chuk Hang Road, and the proposed GFA exemption for 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) apply to District Lands Officer/Hong Kong West and South, Lands Department for the lease modification to permit the applied development;
- (c) note the comments of Director of Fire Services regarding the compliance of Code of Practice for Means of Access for Firefighting and Rescue;
- (d) note the comments of Buildings Department regarding the compliance with all criteria required for the hotel concession; and
- (e) note the comments of Chief Town Planner/Urban Design & Landscape, Planning Department on the landscape treatment of the proposed development.

Agenda Item 7

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/H15/221

Minor Relaxation of Building Height Restriction

in “Other Specified Uses” annotated “Business (1)” zone,

2 Heung Yip Road, Wong Chuk Hang – Aberdeen Inland Lot 374

(MPC Paper No. A/H15/221)

26. The application was submitted by a subsidiary of Wheelock Properties (Hong Kong) Ltd. (Wheelock). The Committee noted that Dr. Greg C.Y. Wong, having current business dealings with Wheelock, declared an interest in this item.

[Dr. Greg C.Y. Wong left the meeting temporarily at this point.]

Presentation and Question Sessions

27. The Secretary informed Members that a letter dated 31.1.2007 from the applicant was received, providing further information on the application. A Supplementary Paper including the applicant’s letter was faxed to Members on 1.2.2007 and tabled at the meeting. DPO/HK would brief Members on the Paper and Supplementary Paper.

28. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper and Supplementary Paper :

- (a) background to the application, highlighting that the Committee decided on 1.12.2006 to defer a decision on the application as the “Other Specified Uses” annotated “Business (1)” (“OU(B)1”) zone covering the application site was the subject of representations with regard to the proposed amendments to the draft Aberdeen and Ap Lei Chau Outline Zoning Plan (OZP) and the statutory planning procedures related to the representations had not yet been completed. On 19.12.2006, the draft Aberdeen and Ap Lei Chau OZP was approved by the Chief Executive in Council (CE in C) under section 9(1)(a) of the Town Planning Ordinance and the approved

Aberdeen and Ap Lei Chau OZP No. S/H15/24 was gazetted on 19.1.2007. Since the statutory planning procedures related to the representations to the OZP had been completed, the application was reactivated for the Committee's consideration at this meeting;

- (b) minor relaxation of building height restriction from 120mPD to 134.7mPD of the proposed non-polluting industrial development;
- (c) departmental comments – the Transport Department did not support the application from traffic engineering point of view as the internal transport facilities proposed in this development failed to comply with the Hong Kong Planning Standard and Guidelines (HKPSG) requirements. The Architectural Services Department had reservation on the application as the design merits might not be adequate to significantly reduce the visual mass of the proposed development;
- (d) two public comments were received during the statutory publication period, raising objection to the application on the grounds of contravening the objective of imposing the height restriction and setting an undesirable precedent for other similar applications; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 4.4 of the Paper, in that the applicant did not demonstrate that there were sufficient planning and design merits to justify the proposed building height relaxation; there were insufficient justifications in the application to substantiate why a lower floor height could not be adopted; and approval of the application would set an undesirable precedent for similar applications in the area.

29. Members had no question on the application.

Deliberation Session

30. A Member sought clarification from Lands Department on the requirement of

lease modification claimed by the applicant should there be an increase in the car parking provision in accordance with the HKPSG. In reply, Mr. James Merritt said that the application site was covered by an old lease which amongst others, only stipulated the minimum requirement of the car parking provision. No lease modification would be required if the car parking provision was higher than the minimum requirement as stipulated in the lease. In response to another Member's enquiry, the Chairperson said that the car parking provision for the proposed development should comply with the HKPSG.

31. A Member expressed reservation on the application and considered that the public could not be benefited from the proposed relaxation of building height restriction.

32. Members generally considered that there were insufficient design merits in the application to justify the proposed relaxation of building height restriction, and that other design, such as larger setback or less massive outlook, should also be considered by the applicant.

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

- (a) there were insufficient planning and design merits to justify the proposed relaxation of building height restriction;
- (b) the number of parking and loading/unloading provision for the industrial development did not comply with the requirements in the Hong Kong Planning Standards and Guidelines; and
- (c) the approval of the application would set an undesirable precedent for similar applications for minor relaxation of building height in the Wong Chuk Hang Business Area.

[Dr. Greg C.Y. Wong returned to join the meeting at this point.]

Agenda Item 8

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/H15/222

Proposed Hotel

in “Other Specified Uses” annotated “Business (1)” zone,

38 Wong Chuk Hang Road, Wong Chuk Hang – Aberdeen Inland Lot 352

(MPC Paper No. A/H15/222)

Presentation and Question Sessions

34. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the Committee decided on 15.12.2006 to defer a decision on the application as the “Other Specified Uses” annotated “Business (1)” (“OU(B)1”) zone covering the application site was the subject of representations with regard to the proposed amendments to the draft Aberdeen and Ap Lei Chau Outline Zoning Plan (OZP) and the statutory planning procedures related to the representations had not yet been completed. On 19.12.2006, the draft Aberdeen and Ap Lei Chau OZP was approved by the Chief Executive in Council (CE in C) under section 9(1)(a) of the Town Planning Ordinance and the approved Aberdeen and Ap Lei Chau OZP No. S/H15/24 was gazetted on 19.1.2007. Since the statutory planning procedures related to the representations to the OZP had been completed, the application was reactivated for the Committee’s consideration at this meeting;
- (b) proposed hotel use with the building height restriction not exceeding 120mPD;
- (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 reasons given in paragraph 2.1 of the Paper.

35. Members had no question on the application.

Deliberation Session

36. The Chairperson remarked that the proposed development complied with the building height restriction of 120mPD under the "OU(B)1" zone as stipulated in the OZP approved by the CE in C on 19.12.2006.

37. 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 2.2.2011, 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 the internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the setting back of the proposed development by 3.5m and 3m along Wong Chuk Hang Road and Heung Yip Road respectively to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of water supply for fire fighting and fire safety installation to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development, the bonus plot ratio/gross floor area (GFA) due to the setback requirement for pavement widening on Heung Yip Road and Wong Chuk Hang Road, and the proposed GFA exemption for 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) apply to District Lands Officer/Hong Kong West and South, Lands Department for the lease modification to permit the applied use;
- (c) note the comments of Director of Fire Services regarding the compliance of Code of Practice for Means of Access for Firefighting and Rescue;
- (d) note the comments of Buildings Department regarding the compliance with all criteria required for the hotel concession; and
- (e) note the comments of Chief Town Planner/Urban Design & Landscape, Planning Department on the landscape treatment of the proposed development.

Agenda Item 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H7/146 Proposed Hotel
in “Residential (Group A)” zone,
4-20 (Even Number), Leighton Road
(MPC Paper No. A/H7/146)
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39. Mr. Anthony Loo declared an interest in this item as he was a member of the Craigengower Cricket Club (the Club) which was located opposite to the application site. Noting that Mr. Loo was not an executive member of the Club and no comment on the application was received from the Club, the Committee considered that Mr. Loo's interest was indirect and he could be allowed to stay in the meeting and participate in the deliberation of the application.

Presentation and Question Sessions

40. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed hotel use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period, both of which had no objection to the application; 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.

41. Members had no question on the application.

Deliberation Session

42. In response to a Member's enquiry, the Chairperson said that there was a reduction in the room size and an increase in room number in the current scheme as compared with the previously approved scheme.

43. Referring to Table 1 in Appendix Ia of the Paper, a Member sought clarification

on the calculation of average room size. In reply, Ms. Christine K.C. Tse, DPO/HK, said that the average room size was calculated on the basis of dividing the total gross floor area (GFA) by the room number. The Secretary pointed out that the figures in Column [b] of the same Table did not add up to 14,946m² unless some of the proposed facilities could be exempted from GFA calculation. Upon further checking, it was noted that the podium garden/refuge floor of 745m² might be exempted GFA, and hence, a remark ‘#’ denoting “Exemption from GFA calculations” should be added to this figure.

44. Noting that the site area of the current scheme (No. 4-20 Leighton Road) was slightly larger than the previously approved scheme (No. 6-20 Leighton Road), a Member raised concerns on the increase in building height and building bulk of the current scheme, particularly its impact on the surrounding area. In reply, Ms. Christine K.C. Tse referred Members to Plan A-3 of the Paper and said that as compared with the previously approved scheme, there was no major change in the design of the proposed hotel tower above podium in the current scheme except for an increase in building height of about 4m. On the other hand, a Member considered the increase in building height and building bulk of the current scheme insignificant.

45. The Chairperson remarked that the increase in building height and building bulk of the current scheme could be considered insignificant in the present context. However, taking into account Members’ concern on building height and the location of the site, she suggested that further increase in building height by way of Class A amendments should not be allowed. As such, an approval conditions limiting the building height to the currently proposed level should be imposed so that no further increase in building height, even falling within Class A amendments, would be allowed. Members agreed.

46. 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 2.2.2011, 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 proposed development was subject to a maximum building height of 114.925m (or 119.7mPD);

- (b) the design and provision of the internal transport facilities of the proposed development to the satisfaction of the Commissioner of Transport or of the Town Planning Board;
- (c) the design and provision of water supply facilities for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (d) the submission of a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development including gross floor area exemption for back-of-house-facilities, if claimed, would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession, in particular the non-domestic plot ratio of the development, was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) apply to the District Lands Officer/Hong Kong East, Lands Department for lease modification to permit the applied use and to note his comments as stated in paragraph 9.1.11 of the Paper;
- (c) note the comment of the Chief Building Surveyor/Hong Kong East, Buildings Department regarding the hotel concession as stated in paragraph 9.1.1 of the Paper;

- (d) consult Chief Officer/Licensing Authority, Home Affairs Department regarding the licensing requirements for the proposed hotel;
- (e) note the comment of the Director of Environmental Protection in paragraph 9.1.4 of the Paper regarding the location of the fresh air intakes of the central air-conditioning system to ensure acceptable air quality of the proposed hotel; and
- (f) resolve any land issues relating to the development with concerned owner(s) of the application site.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H10/78 Proposed Hotel (Training Hotel)
in “Government, Institution or Community” zone,
6/F, Pokfulam Training Centre Complex,
145 Pok Fu Lam Road
(MPC Paper No. A/H10/78)
-

Presentation and Question Sessions

48. The Committee noted that the applicant requested on 17.1.2007 for deferment of the consideration of the application to allow time for preparation of additional information to address the departmental comments.

Deliberation Session

49. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission 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 further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be

the Telecommunications Authority (OFTA). On visual impact, the proposed cabinet and antennae were small in size and would not pose adverse visual impact on the surrounding area. Relevant Government departments, including Director-General of Telecommunications, D of Health and the Environmental Protection Department had no objection to the application.

51. Members had no question on the application.

Deliberation Session

52. In response to a Member's enquiry, the Secretary said that the Secretariat had already written to invite OFTA and Health Department to brief Members on the health effect of radiofrequency signals from the mobile base station and wireless networks.

53. A Member sought clarification from DPO/HK on the location of the proposed mobile base station. In reply, Ms. Christine K.C. Tse, DPO/HK, referred Members to Drawing A-1 of the Paper and said that the proposed mobile base station comprised an equipment cabinet of 2m x 0.75m x 1.5m and six antennae. The subject site was the subject of a previous planning application (No. A/H14/25) for same use and the current application was submitted due to relocation of the mobile base station.

54. The same Member supported the application as the visual impact was insignificant, and that there was no evidence that the mobile base station would have adverse health effects.

55. 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 2.2.2011, 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.

56. The Committee also agreed to advise the applicant to note the comment of the Director of Health regarding the requirement for the proposed mobile base station to comply

with the “Code of Practice for the Protection of Workers and Members of Public Against Non-Ionizing Radiation Hazard from Radio Transmitting Equipment” issued by the Office of the Telecommunications Authority (OFTA); and that the compliance with the OFTA code should be verified by direct on-site measurement upon commissioning of the mobile base station.

[Mr. Nelson W.Y. Chan, Professor N.K. Leung and Dr. Daniel B.M. To left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

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|------|-----------|---|
| (iv) | A/H17/118 | Proposed Alteration and Addition to the Existing Commercial Portion at 109 Repulse Bay Road for Eating Place, Shop and Services, School and Place of Entertainment (Cinema) in “Residential (Group B)” zone, 101 and 109 Repulse Bay Road (RBL 167 & 142) (MPC Paper No. A/H17/118) |
|------|-----------|---|
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Presentation and Question Sessions

57. The Committee noted that the applicant requested on 19.1.2007 for deferment of the consideration of the application to allow time for preparation of additional information to address the comments of Buildings Department.

Deliberation Session

58. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission 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 further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Nelson W.Y. Chan and Professor N.K. Leung returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/H19/51 Proposed Eating Place and Shop and Services
 in “Residential (Group A)1” zone,
 3/F to 9/F, 90 Stanley Main Street, Stanley
 (MPC Paper No. A/H19/51)
-

Presentation and Question Sessions

59. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed eating place and shop & services uses on 3/F to 9/F of an existing building at the subject site;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) four public comments were received during the statutory publication period, of which one expressed no objection while the other three raised objection/concerns on the grounds of causing nuisance to the residents, adverse impacts on the law and order of the area, possible emission of odour and fume, and adverse visual impact; 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. Regarding the local concerns, it was considered that the possible nuisances to the residents insignificant as the area was a popular tourist area where restaurants and shops were located on the lower floors of buildings along

that section of Stanley Main Street. As for the concern on the possible emission of odour and fume, it could be monitored by the Food and Environmental Hygiene Department through the licensing system, and the Environmental Protection Department had no objection to the application. Regarding the issue on law and order, the Commissioner of Police had no objection to the application. The concern on the visual impact due to the installation of additional sewers at the external wall related to the details of the proposed alteration works which could be addressed at the detailed design stage.

60. Members had no question on the application.

Deliberation Session

61. In response to a Member's question on whether the "Residential (Group A)1" zone was appropriate to reflect the existing local character of the area, Ms. Christine K.C. Tse, DPO/HK, explained that part of Stanley Main Street had been undergoing a transformation from a predominantly residential area to commercial-oriented area, as indicated by recent approvals of two hotel developments near the application premises. Ms. Christine Tse added that the change in the local character would be closely monitored and the land use of the area would be reviewed when appropriate.

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 2.2.2011, 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 services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) submission and implementation of sewage and drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) apply to the District Lands Officer/Hong Kong West & South, Lands Department for lease modification to permit the proposed uses at the application premises;
- (b) appoint authorised person or registered structural engineer to clarify the items as listed under paragraph 8.1.3 of the Paper by Buildings Department and to submit building plans to the Building Authority for approval if building works were to be carried out;
- (c) apply for the relevant licence under the Public Health and Municipal Services Ordinance (Cap 132) for the proposed eating place and, if applicable, for liquor licence to be issued by the Liquor Licensing Board;
- (d) note the comments of the Director of Food and Environmental Hygiene that future alteration works for the proposed uses under application on 3/F to 9/F of the building, if granted, should not affect the operation of the restaurants on Stanley Main Street during the pedestrianisation hours;
- (e) note the comments of the Director of Environmental Protection that the premises should be suitably modified and appropriate equipment should be installed to suit the change in use, and the potential pollution such as kitchen fumes, noise from air conditioners or other plants and wastewater/grease discharged should be under control to meet various pollution control ordinances; and
- (f) note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that the sewage and drainage proposal to be submitted should include the hydraulic calculations to justify the dimensions and gradients of the proposed connecting pipes, and options on the connection to the public sewage main of 400mm or larger in diameter at the southern side of Stanley Main Street; that drainage connection plans including the

supporting hydraulic calculation should be submitted to the Building Authority for approval; and that the downstream pipes and u-channels within the premises connecting the drainage system at the toe of slopes Nos. 15NE-C/CR112(2) and (3) and the public storm water network at Stanley Main Street should be maintained to the satisfaction of the Director of Drainage Services by the lot owner at his cost.

Agenda Item 10

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H19/39-1 Application for Class B Amendment to Permission –
Change in Soft/Hard Landscape Design by Deleting 11 Proposed Trees
and Changing the Proposed Mix of Tree Species
under the Agreed Landscaping Proposal
in “Open Space” zone,
Stanley Bay Reclamation Area, Stanley
(MPC Paper No. A/H19/39-1)

Presentation and Question Sessions

64. The following Government representatives were invited to the meeting :

Architectural Services Department’s (ArchSD) Representatives

Mr. Chu Yim-kwong

Mr. Cheng Wai-hung

Mr. Fung Wing-kee

Mr. Mui Tung-king

Mr. Wan Chuck-kwan

Tourism Commission’s Representatives

Mr. Liang Nai-lun, Roger

Miss Ho Yim-fong, Wylie

Food and Environmental Hygiene Department's (FEHD) Representatives

Mr. Shum Nam-lung

Ms. Yeung Yuk-ip, Rita

65. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) change in soft/hard landscape design by deleting 11 proposed trees and changing the proposed mix of tree species under the agreed landscaping proposal (Class B amendment to permission);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) considered the deletion of all the planting along the EVA (about 120m long) undesirable. The air conditioners and storage areas in the adjacent houses would be facing the newly upgraded waterfront. This would adversely affect the open space setting for passive recreational use and transform the area purely for EVA use. Other concerned Government departments had no objection to the application;
- (d) strong local objection to the agreed landscaping proposal was received, raising concerns that the planting of trees along the emergency vehicular access (EVA) next to the residents' houses would attract birds and mosquitoes/insects; would increase the risk of the spread of bird flu, dengue fever and Japanese encephalitis; would expose the local residents to the risk of potential health hazards; and would obstruct the view from the residents' flats and the escape route in case of fire. The residents strongly demanded to delete the proposed line of trees along the EVA. At the Southern District Council (SDC) meeting held on 14.9.2006, a vote was cast and 15 out of 17 SDC Members supported the deletion of the proposed trees along the EVA; 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. The proposed revised landscaping proposal involved deletion of 39 trees along the EVA, addition of 28 more trees in the promenade area, and a change of the mix of trees species, resulting in a change of total number of trees to be planted from 107 to 96 (reduction of 11 number of trees). While appreciating the CTP/UD&L's comments on the current scheme, PlanD had carefully considered the strong objection from neighbouring residents and considered that the revised landscaping proposal represented a reasonable balance amongst the provision of greening and meeting local community aspiration. Consideration should be given to planting of flowerbed in lieu of trees along the EVA to address the landscape concern.

[Dr. Daniel B.M. To returned to join the meeting at this point.]

66. Members raised a number of questions as summarized below :

Local consultation

- (a) whether the flowerbed planting proposal was acceptable to the SDC;

Landscaping proposal

- (b) whether the proposed trees to be planted along the EVA would cause obstruction to the seaview of the residential buildings;
- (c) whether any other alternative landscaping proposals had been considered;
- (d) noting that the trees originally proposed at one side of the EVA near the residential buildings were deleted in the current scheme, whether trees could be planted on the other side of the EVA along the back wall of the shopping kiosks and away from the residential buildings;
- (e) noting the reservation expressed by the CTP/UD&L, what was the rationale behind PlanD's no objection to the current proposal;

- (f) what was the distance between the back of the residential buildings and the proposed tree line along the EVA in the agreed landscaping proposal;
- (g) whether any special design to the pavement of the EVA would be proposed to make it more interesting to compensate for the removal of the proposed tree planting along the EVA;

Others

- (h) whether the shopping kiosks were under operation or not; and
- (i) whether the ground floor at the back of the residential buildings could be used for commercial purpose.

67. In reply, Mr. Fung Wing-kee, Mr. Shum Nam-lung and Mr. Mui Tung-king made the following points :

Local consultation

- (a) the SDC had yet to be consulted on the flowerbed planting proposal but the idea was conveyed to the local residents during a joint site visit;
- (b) the tree planting proposal was discussed at the SDC meeting in September 2006, and the SDC Members raised strong objection to the proposal and requested the relocation of the proposed trees to the promenade area. In response to the strong local objection raised, it was proposed to delete the trees along the EVA and instead, more trees should be planted in the promenade area under the current scheme;

Landscaping proposal

- (c) referring to Plan A-5 of the Paper, the trees proposed along the EVA would grow to a height of about 5 to 7 m forming a green backdrop behind the

shopping kiosk and providing the greening to the EVA area;

- (d) there was no alternative landscaping proposal for the EVA area in the current scheme;
- (e) the idea on planting trees near the back wall of the shopping kiosks had been considered but was found not feasible as it would cause obstruction to the loading and unloading activities of the shopping kiosk;
- (f) according to the agreed landscaping proposal, the back of the residential buildings was, in general, about 1 to 2m away from the tree line along the EVA. However, at the inner portion of the EVA, some buildings might be about 4 to 5m away from the tree line;

68. Regarding items (e), (h) and (i) in paragraph 66, Ms. Christine K.C. Tse, DPO/HK made the following responses :

Landscaping proposal

- (a) while appreciating the CTP/UD&L's comments on the current scheme, PlanD had carefully considered the strong objection from neighbouring residents. In order to strike a reasonable balance between the provision of greening and meeting local community aspiration, PlanD had no objection to the revised landscaping proposal. Nevertheless, consideration should be given to planting of flowerbed in lieu of trees along the EVA to address the landscape concern;

Others

- (b) the construction of the shopping kiosks was recently completed; and
- (c) the ground floor at the back of the residential buildings could be used for shop purpose.

69. In response to a Member's enquiry, Mr. Liang Nai-lun, Roger said that the implication on deletion of trees proposed along the EVA in the current scheme was considered insignificant from tourism's point of view.

Deliberation Session

70. Members generally considered the deletion of trees along the EVA in the current scheme without recommendation of alternative landscaping proposals unacceptable and, expressed the following views :

- (a) Whilst it was important to take account of the local concerns, there was a need to consider the proposal in a wider community perspective. As the proposed development was a tourism-related project and the landscaping proposal formed part and parcel of the overall development, the wider community interest should be given due weight;
- (b) the applicant should prepare alternative landscaping proposals and further liaise with the local residents and SDC Members with a view to coming up with an alternative landscaping proposal which would be acceptable to parties concerned;
- (c) the local concerns that the tree planning proposal along the EVA would increase the risk of the spread of bird flu, dengue fever, Japanese encephalitis as well as exposing local residents to potential health hazards were considered unfounded. There was no scientific evidence to demonstrate that there was association between planting of trees and bird flu. Accepting such an argument would set a bad precedent and provide an excuse not providing tree planting; and
- (d) the landscaping principle should be upheld and the change of mix of tree species along the EVA might be one of the alternative method.

[Mr. Wan Chuck-kwan left the meeting at this point.]

71. Mr. Liang Nai-lun, Roger referred Members to paragraph 4.2 in Appendix I of

the Paper and said that three alternatives on provision of green shade along the EVA had been proposed but none of them were considered acceptable by the local residents. The Chairperson remarked that the three alternatives were all focused on planting of trees. Different form of landscaping should be considered.

72. The Chairperson summarized Members' views and said that the applicant should develop alternative landscaping proposals, including other soft planting proposals such as provision of flowerbed etc., and to carry out further liaison with the local residents and SDC Members with a view to identifying an alternative landscaping proposal that would be acceptable to concerned parties. The case should be deferred pending submission of alternative landscaping proposal from the applicant. Members agreed.

[Ms. Maggie M.K. Chan left the meeting temporarily at this point.]

73. After deliberation, the Committee decided to defer a decision on the application pending the submission of alternative landscaping proposal from the applicant.

[The Chairperson thanked Mr. Roger N.L. Liang, Miss Wylie Y.F. Ho, Mr. N.L. Shum, Ms. Rita Y.I. Yeung, Mr. Y.K. Chu, Mr. W.H. Cheng, Mr. W.K. Fung and Mr. T.K. Mui for their attendance to answer Members' enquiries. Messrs. Liang, Shum, Chu, Cheng, Fung and Mui, Ms. Yeung and Miss Ho left the meeting at this point.]

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, and Mr. David C.M. Lam, STP/HK, for their attendance to answer Members' enquiries. Ms. Tse and Mr. Lam left the meeting at this point.]

Special Duties Section

Agenda Item 11

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of the Draft Planning Brief
for the Former Police Married Quarters Site at Hollywood Road
(MPC Paper No. 2/07)

74. The Secretary informed Members that the applicant of a s.12A application (No. Y/H3/2) for amending the zoning of the subject site (the Site) from “Residential (Group A)” (“R(A)”) to “Government, Institution and Community” (“G/IC”) and “Open Space” (“O”) zones had submitted three letters on 31.1.2007, 1.2.2007 and 2.2.2007, requesting to defer consideration of the draft Planning Brief (PB) and excluding the Site from the list of land sale sites.

[Ms. Maggie M.K. Chan returned to join the meeting at this point.]

Consideration of Request for Deferment

75. The Chairperson briefed Members on the background to the draft PB and highlighted the following :

- (a) the Site had been zoned “R(A)” since 1999 on the approved Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP). It had been included in the Application List of Sites for Sale since 2005/06;
- (b) on 25.11.2005, the Committee rejected a s.12A application (No. Y/H3/1) made by four local residents for rezoning the Site from “R(A)” to “G/IC”. The Committee decided that a PB should be prepared to guide the future development of the Site so as to address local aspirations for preserving the cultural heritage and historic features of the Site, avoiding encroachment upon the historic walls and trees, setting a maximum development intensity, and increasing the provision of public open space (POS). The 2006/07

Application List was then amended by adding a remark against the Site to inform prospective purchasers that a PB was under preparation;

- (c) to take forward the Committee's decision, PlanD had prepared a draft PB in consultation with the relevant departments and the Antiquities Advisory Board (AAB);
- (d) on 17.11.2006, the Committee considered the draft PB and agreed that the development intensity adopted in the draft PB for the development of the Site was acceptable and that the draft PB was suitable for public consultation;
- (e) on 13.12.2006, PlanD consulted the Food, Environment, Hygiene and Works Committee (FEHWC) of the Central and Western District Council (C&WDC) on the draft PB;
- (f) on 22.1.2007, three residents submitted to the Town Planning Board (TPB) a s.12A application (No. Y/H3/2) for rezoning the Site from "R(A)" to "G/IC" and "O". The application was now being processed for Committee's consideration in April; and
- (g) the applicants of the s.12A application now requested the Committee to defer consideration of the draft PB pending the consideration of their s.12A application in April.

76. The Chairperson said that in the light of the request for deferment, Members were invited to discuss whether the Committee should proceed with the consideration of the draft PB.

77. In response to Members' queries, the Secretary explained that, generally speaking, under section 12A of the Town Planning Ordinance (TPO), any person could at any time submit an application to the TPB requesting for zoning amendment of any land. The consideration of the s.12A application was governed by the statutory planning procedures. On the other hand, preparation of the draft PB was an administrative practice to provide

guidance for the development of the “R(A)” site. Hence, the s.12A application and draft PB were two separate processes under different procedures. The Secretary added that if the TPB agreed to the s.12A application in April to rezone the Site from “R(A)” to “G/IC” and “O”, the draft PB prepared under the “R(A)” zone, if approved, would no longer be applicable. In this regard, the Committee’s consideration of the PB would not pre-empt its decision on the subject s.12A application.

78. The Chairperson said that the s.12A application and draft PB were different tasks to be dealt by the Committee with under different procedures and practices. Not until the Committee had agreed to the s.12A application at the Site, all other planning work which had been directed by the Committee, i.e. preparation and revision of the PB, should be carried out in accordance with the current “R(A)” zoning of the Site.

79. Members raised the following questions :

- (a) whether there was any urgency in the preparation of the PB;
- (b) whether the loss of time was substantial if the consideration of PB was deferred;
- (c) whether the recent claim on the presence of the relics of Shing Wong Temple and other relics, would warrant a deferment of consideration of PB; and
- (d) what would be the implications if the Site was sold prior to the consideration of the s.12A application.

80. In reply, the Chairperson and Secretary made the following points :

- (a) a s.12A application could be submitted at any time. The Committee should consider the implications if the Committee agreed to halt its related business once a s.12A application was received;
- (b) if the PB was approved, the Lands Department (LandsD) would amend the

land sale documents based on the approved PB and time would be required for the preparation of the amendments;

- (c) issues on the possible discovery of further relics were mainly related to the content of the PB. New conditions might be included in the PB taking into account the new evidence discovered; and
- (d) issues related to land sale rested with the LandsD. It was understood that the consultants of the three applicants had also written to the LandsD requesting for deferment of the land disposal.

81. In response to a Member's enquiry, the Secretary pointed out that legal advice on a similar issue relating to another sale site had previously been sought from the Department of Justice. It was pointed out that the consideration of a rezoning request and land sale should be separate issues. Whether the site concerned would be removed from the land sale list should rest with the Land Authority.

Deliberation Session

82. The Committee then had a long discussion on whether and under what circumstances should the consideration of the PB be deferred, and its implications. The discussion was summarized as follows :

- (a) if deferment was agreed and there were successive s.12A applications, the preparation of PB to guide development would have to be deferred indefinitely;
- (b) the provision under the Town Planning Ordinance should not be used as a tool to halt administrative practices, such as land disposal. Should anyone wish the Government to withhold the sale of land, request should be made directly to the LandsD rather than the TPB; and
- (c) the request for deferment, if agreed to, would set an undesirable precedent for other similar requests.

83. In the light of the above views, Members generally considered that the Committee should proceed with the consideration of the PB.

[Mr. Leslie H.C. Chen left the meeting at this point.]

84. Noting that the public might not be aware of the TPB's procedures and practices and the rationale behind, a Member raised concern on the possible misunderstanding by the public if the Committee proceeded with the consideration of the PB. In reply, the Chairperson said that press briefings would normally be held after the Committee or TPB meetings. The TPB's spokesman could take the opportunity to explain to the public the discussions and decisions made by the Committee on this case.

85. The Chairperson summarized Members' views and said that the consideration of the PB should be separated from the consideration of the s.12A application. As the Committee's consideration of the PB would not pre-empt its decision on the s.12A application, the Chairperson suggested and Members agreed to proceed with the consideration of the PB.

[Ms. Starry W.K. Lee left the meeting temporarily at this point.]

Consideration of the Revised Planning Brief

86. The Secretary informed Members that two pages of information relating to the heritage value of the Site had been submitted by the Central and Western District Concern Group and was tabled at the meeting for Members' reference.

87. Ms. Phyllis C.M. Li, Chief Town Planner/Special Duties (CTP/SD), and Ms. Margaret H.Y. Chan, Town Planner/Special Duties (TP/SD), were invited to the meeting at this point. The Chairperson extended a welcome and then invited Ms. Phyllis C.M. Li, CTP/SD, to brief Members on the background to the draft PB.

88. With the aid of a powerpoint presentation, Ms. Phyllis C.M. Li presented the draft PB and covered the following aspects as detailed in the Paper :

- (a) background to the draft PB. On 17.11.2006, the Committee considered the draft PB and agreed that the development intensity adopted in the draft PB for the development of the Site was acceptable and that the draft PB was suitable for public consultation. On 13.12.2006, PlanD consulted the FEHWC of the C&WDC on the draft PB;
- (b) three comments, including those from the FEHWC, some members of the C&WDC and other concerned individuals, and the Central and Western District Concern Group, were received mainly against the residential zoning of the Site. The commenters requested that the Site be rezoned to "G/IC" or "O" and some of them also objected to the draft PB. Concerns were also raised on issues relating to heritage preservation, provision of public open space (POS) and community facilities in the area, and traffic and environmental problems;
- (c) relevant Government bureaux and departments had been consulted on the public comments received. The responses of PlanD and relevant bureaux and departments to the comments were :

Land use zoning

- (d) the Site was zoned "R(A)" on the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/21. It had long been used for residential purpose accommodating the police married quarters from 1951 to 1997. The Site was rezoned from "G/IC" to "R(A)" in 1998. Since then, the Site had remained under the "R(A)" zoning;
- (e) on 25.11.2005, the Committee rejected a s.12A application (No. Y/H3/1) made by four local residents for rezoning the Site from "R(A)" to "G/IC". The Committee decided that a PB should be prepared to guide the future development of the Site so as to address local aspirations for preserving the cultural heritage and historic features of the Site, avoiding encroachment upon the historic walls and trees, setting a maximum development intensity, and increasing the provision of POS. The draft PB had been prepared on

this basis;

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

Heritage Preservation

- (f) regarding the public comments on the inadequate preservation of the historic fence walls along Staunton Street and Aberdeen Street, Antiquities and Monuments Office (AMO) had advised that only the granite plinths and pillars of the walls were remnants of the previous Central School, and part of the walls were in fact structures subsequently re-built. In this connection, the Secretary for Home Affairs (SHA) had recommended to preserve the original granite plinths and pillars of the fence walls at Staunton Street and Aberdeen Street (but not necessarily in-situ) to allow design flexibility for future development. Notwithstanding this, PlanD had set a more stringent requirement in this respect, requiring the preservation of all the four fence walls as a whole as far as possible to reflect the historical interest;
- (g) to avoid encroachment of the building structures or other adverse impact on the historic structures and wall trees, the draft PB had specified the minimum set back requirements. Such requirements would be incorporated into the lease conditions to ensure the preservation and protection of the historic walls and wall trees;
- (h) while retaining the long-established residential nature of the Site, the draft PB had set out the requirements for preserving all the historic features in the Site including the entire lower platform for POS use and for their long-term maintenance. The preservation value of the Site would be enhanced in the future development;

Open Space Provision

- (i) in view of the deficit in local open space in the OZP area and the strong

public calls for more POS in the Site, the draft PB had set a requirement for the provision of 1,200m² of POS at the lower platform. As compared to the current land sale conditions, the proposed increase in POS by 200m² or 20% could help alleviate the open space shortfall and allow full preservation of the entire lower historic platform. Local open spaces were also planned in the vicinity of the Site. The deficit in local open space in the OZP area could be addressed as there was a surplus (about 13 ha) of local/district open space in the Central and Western Districts. The Director of Leisure and Cultural Services (LCSD) had affirmed that the 1,200m² POS within the Site would be managed and maintained by the LCSD upon completion of the construction by the future developer, and the POS would be open to the public;

Provision of Community Facilities

- (j) the provision of community facilities in the OZP area was generally adequate, and home for the aged was most needed in the area. A residential care home for the elderly (RCHE) and a refuse collection point (RCP) would be included within the Site, and such requirements had been included in the draft PB;

Traffic and Environmental Issues

- (k) the Transport Department (TD) had advised that up to year 2011, the road networks in Central could accommodate the traffic generated by all the known developments in the area. TD had been consulted on the draft PB and had no adverse comment. As the PB had proposed to reduce the permissible gross floor area (GFA) by as much as 34% as compared to the current land sale conditions, the traffic impact generated by the proposed development at the Site should be less;
- (l) regarding the environmental concerns such as noise and air pollution, the Environmental Protection Department had advised that both residential and open space uses as set out in the PB would be compatible with the

residential nature of the area. The draft PB had proposed a significant reduction in the permissible GFA (-34%) and a lower building height (-20m) to preserve the views to the ridgeline and the Harbour;

Temporary Accommodation of the Homeless Tenants

- (m) in respect of the proposal raised by some C&WDC members and other concerned individuals for using the ex-quarters as a temporary decanting site for homeless tenants in the district affected by the cancellation of rent control, the Government Property Administrator commented that the ex-quarters were not suitable for human habitation as the premises were substandard and in a state of dilapidation;
- (n) the draft PB had struck a balance between heritage preservation, while allowing appropriate development at the Site;

Proposed Refinements to the Draft PB

- (o) at the FEHWC meeting, there were concerns that the fence walls at Staunton Street and Aberdeen Street would not be properly preserved. The SHA had advised that modifications to the fence walls, such as openings for vehicular and pedestrian access as to the Site, would be allowed, provided that the original plinths and pillars were preserved but not necessarily in-situ. PlanD proposed a more stringent requirement to preserve all the retaining and fence walls as a whole as far as possible to fully reflect the historic interest of the Site; and
- (p) refinements to paragraph 5.2 of the draft PB had been proposed to make clear this requirement as follows :

“5.2 To preserve the cultural heritage and historic features in the Site, the above recommendations of the SHA and AAB should be followed. In addition, the preservation of the retaining walls and fence walls stated in paragraphs 5.1(a) and (b) as a whole to reflect the historical interest should

be ensured as far as possible. Consultation with AMO is required before any development works take place within the Site.”.

[Professor Paul K.S. Lam left the meeting at this point.]

89. Members raised a number of questions as summarized below :

- (a) whether the revised PB had taken account of the recent concerns on heritage preservation, and whether further advice from the AMO and LandsD had been sought on the concerns;
- (b) whether the Government would demolish the existing buildings so as to allow the archaeological potential of the Site to be further investigated before land disposal;
- (c) whether all known cultural heritage and historic features within the Site had been included in the PB; and
- (d) whether the four fence walls would be preserved or not.

[Professor N.K. Leung left the meeting at this point.]

90. In reply, Ms. Phyllis C.M. Li made the following points :

- (a) as advised by the AMO, most part of the Central School had been damaged during the Second World War. As for recent claim that the Site was the previous location of the Shing Wong Temple, it was being assessed by the AMO to ascertain the facts and its preservation value, if any;
- (b) Members’ view on the possible need to allow further investigation and excavation for the Site before land disposal would be relayed to the AMO for consideration;
- (c) the heritage preservation requirements as stipulated in the PB covered all known cultural heritage and historic features based on the advice of the

AMO; and

- (d) the SHA had advised that modifications to the fence walls, such as openings for vehicular and pedestrian access to the Site, would be allowed, provided that the original plinths and pillars were preserved but not necessarily in-situ. A more stringent requirement had now been proposed requiring the preservation of all the retaining and fence walls as a whole as far as possible to fully reflect the historical interest of the Site.

91. Mr. James Merritt said that the Government had no intention to demolish the existing structures and to have the Site excavated before land disposal. Instead, the Site was intended to be sold with its existing structures and subject to the requirements for conservation as stipulated in the PB.

92. The Secretary informed Members that the applicants of the s.12A application had submitted a note requesting to join the meeting for the discussion of the PB. The Chairperson said that there was no provision in the TPB Procedures and Practice to entertain such request. In response to a Member's enquiry, the Secretary said that the TPB Secretariat had already informed the applicants in this regard. However, the applicants would like the Committee to note the request.

93. In response to Mr. James Merritt's enquiry, Ms. Phyllis C.M. Li said that an initial survey of historic structures of the Site had been conducted by the AMO.

94. While having no strong view on the PB, a Member suggested that the Site might be considered for open space uses given the deficit in local open space. In reply, the Chairperson said that the PB had proposed to reduce the permissible GFA by 34% and to increase the POS by 20% as compared to the requirements in the current land sale conditions. There were many ways to address the deficit of open space, having regard to the distribution of existing and planned provisions in relation to population concentration. As such, the PB had already struck a balance between open space provision on site and setting an appropriate level of development. Whether the Site should be used entirely for open space or not was related to the zoning amendments which would be considered under the s.12A application.

95. Two Members considered that there should be possible remedies to protect the possible relics to be discovered in the course of site formation for future development. By referring to paragraph 5.1(f) of the PB, one of the Members suggested replacing “historic structures” with “historic features” to denote a wider interpretation of the heritage preservation requirements for the Site.

96. Mr. James Merritt raised concern on possible claims made by the future purchaser of the Site if there would be delay to the future development due to the excavation of relics to be discovered on site after land disposal. In reply, Ms. Phyllis C.M. Li said that PlanD could further liaise with the AMO to include in the conservation plan required under the PB the arrangements relating to the possible discovery of further relics. Another Member opined that as the heritage preservation requirements had been clearly set out in the PB and land sale documents, the developer should take account of possible risk in the calculation of land value.

[Mr. Stanley Y.F. Wong left the meeting at this point.]

97. The Chairperson said that taking into account the Member’s concern on possible relics to be discovered during the development, the conservation plan as stated in paragraph 5.1(f) of the PB should be expanded to include “historic features to be discovered to the satisfaction of the AMO or of the Town Planning Board”. The Committee agreed.

[Ms. Sylvia S.F. Yau left the meeting at this point.]

98. After further deliberation, the Committee decided to :

- (a) note the public comments received on the draft Planning Brief (PB) as summarized in section 3 of the Paper and detailed in Annexes III to V of the Paper;
- (b) agree to the proposed refinements of the draft PB as mentioned in paragraph 5.1 of the Paper and shown in Annex VII of the Paper; and
- (c) endorse the revised PB as attached at Annex VII of the Paper subject to the refinements to paragraph 5.1(f) of the PB as “the future developer should

submit a conservation plan for the preservation and maintenance of the historic features discovered/to be discovered at the Site to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board.”.

[Mr. James Merritt left the meeting temporarily at this point.]

[The Chairperson thanked Ms. Phyllis C.M. Li, CTP/SD, and Ms. Margaret H.Y. Chan, TP/SD, for their attendance to answer Members’ enquiries. Ms. Li and Ms. Chan left the meeting at this point.]

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.]

Agenda Item 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

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|-----|----------|---|
| (i) | A/K3/493 | Proposed “Shop and Services” and “Office”
in “Residential (Group A)” zone,
94-96 Fa Yuen Street, Mong Kok
(KILs 3333RP and 3334RP)
(MPC Paper No. A/K3/493) |
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-

Presentation and Question Sessions

99. Since the application site fell within the boundaries of an authorized Urban Renewal Authority (URA) development proposal (i.e. Sport Shoes Street), the following Members had declared interests in this item :

- Mrs. Ava S.Y. Ng - being a non-executive director of the URA;
- Ms. Margaret Hsia
(absent with apologies) - being a co-opt member of the Planning, Development and Conservation Committee of the URA;
- Mr. James Merritt - being an assistant to the Director of Lands who was a non-executive director of the URA;
- Mr. Walter K.L. Chan - being a non-executive director of the URA;
- Dr. Greg C.Y. Wong - having current business dealings with the URA; and
- Professor Bernard V.W.F. Lim
(absent with apologies) - having current business dealings with the URA.

100. As both the Chairperson and Vice-chairman had declared interests and would need to refrain from the discussion, the Chairperson suggested and Members agreed that the application be deferred and submitted to the Town Planning Board (TPB) for consideration.

101. The Secretary informed the Committee that a petition letter from the Sai Yee Street, Fa Yuen Street and Nelson Street Redevelopment Action Group had been submitted today and was tabled at the meeting. The Action Group requested the TPB to reject the application and to implement the URA development proposal as soon as possible.

Deliberation Session

102. After deliberation, the Committee decided to defer the application and refer it to the Town Planning Board for consideration.

[Dr. Daniel B.M. To left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K4/49 Proposed Relaxation of Building Height Restriction
from 112mPD to 130mPD for the Development of the
Multi-media Building of City University of Hong Kong
in “Government, Institution or Community (Group 5)” zone,
Junction of Cornwall Street and Tat Hong Avenue,
Shek Kip Mei
(MPC Paper No. A/K4/49)
-

103. The application was submitted by The City University of Hong Kong (CityU). Professor Paul K.S. Lam and Ms. Maggie M.K. Chan declared interests in this item as Professor Lam was the Chair Professor and Ms. Maggie Chan was the Council Member of the CityU. Nevertheless, the applicant had requested for a deferment of consideration of the application and both Professor Lam and Ms. Maggie Chan could be allowed to stay at the meeting.

Presentation and Question Sessions

104. The Committee noted that the applicant requested on 25.1.2007 for deferment of the consideration of the application to prepare background information regarding the submission.

Deliberation Session

105. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission 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 further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Ms. Maggie M.K. Chan left the meeting temporarily while Dr. Daniel B.M. To returned to join the meeting at this point.]

Agenda Item 13

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/73-4 Proposed Amendments to an Approved Scheme for
Proposed Low-rise and Low-density Residential Development
in “Residential (Group C)2” zone,
Lots 414RP and 415 in DD 399,
Ting Kau, Tsuen Wan West
(MPC Paper No. A/TWW/73-4)

Presentation and Question Sessions

106. Mr. Louis K.H. Kau, DPO/TWK, drew members’ attention to the replacement page 4 tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed low-rise and low-density residential development with a maximum plot ratio of 1.2 (amendments to an approved scheme);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two local objections were received from the District Officer/Tsuen Wan, raising concerns on too many amendments made to the application; 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, in that the current scheme was an amendment to the previously approved scheme with

no change in the major development parameters, including the proposed use, site area, plot ratio and gross floor area. Furthermore, the current scheme to further increase the upper row houses to 16.65m was due to the increase in depth of the swimming pool and re-distribution of floor-to-floor height between the car park level and the G/F of the domestic portion was considered acceptable. Regarding the local objections, it should be noted that there was no restriction on the number of amendments under the current Town Planning Ordinance.

[Mr. James Merritt returned to join the meeting at this point.]

107. Members had no question on the application.

Deliberation Session

108. 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 15.10.2008, 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) the design and provision of noise mitigation measures as proposed in the application to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the design, provision and future maintenance of the discharge pipe from the on-site sewage treatment plant to the proposed sewer along the Castle Peak Road before the availability of public sewerage system to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the design and provision of the connection from the proposed development to the public sewerage system when available to the satisfaction of Director of Drainage Services or of the Town Planning Board;
- (d) the design and provision of an emergency vehicular access and fire-fighting

facilities to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

- (e) the submission and implementation of landscaping proposals to the satisfaction of the Director Planning or of the Town Planning Board.

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

- (a) apply for a discharge licence from the relevant Local Control Office of Environmental Protection Department before discharging effluent from the proposed on-site sewage treatment and disposal facilities;
- (b) liaise with the Director of Highways to match the alignments of the access road with R3 and to ensure no extra loading would be exerted on the adjoining retaining wall;
- (c) liaise with the Director of Lands to complete the land exchange before the implementation of the proposed development;
- (d) liaise with the Director of Buildings on the detailed design of the residential buildings for compliance with the Buildings Ordinance and its subsidiary legislations; and
- (e) liaise with the Director of Civil Engineering and Development on the submission and implementation of a Natural Terrain Hazard Study.

[Ms. Maggie M.K. Chan returned to join the meeting at this point.]

[The Chairperson 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. Kelvin K.W. Chan, District Planning Officer/Kowloon (DPO/K), and Miss Helen L.M. So, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K7/80 Proposed School (Tutorial School)
 in “Residential (Group B)” zone,
 G/F, Block E, 268A Prince Edward Road West,
 Ho Man Tin (KIL 2135A5)
 (MPC Paper No. A/K7/80)
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Presentation and Question Sessions

110. With the aid of a powerpoint presentation, Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed school (tutorial school);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 12 public comments were received during the statutory publication period, raising objection to the application on the grounds of incompatible land use, causing nuisance to the residents and traffic impact; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 10.1 to 10.3 of the Paper, in that

the proposed use was considered not incompatible with the subject building and the surrounding developments; nuisance problem was unlikely as there were direct separate access to the subject premises and a separate entrance for the residents of the building; and the Transport Department had no objection to the application regarding the traffic issue.

111. Members had no question on the application.

Deliberation Session

112. 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 service installations to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 2.2.2011, 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.

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

- (a) consult the Registration Section, Education and Manpower Bureau on school registration process under the Education Ordinance and Regulations;
- (b) note that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Chief Building Surveyor/Kowloon, Buildings Department direct to obtain the necessary approval; and
- (c) resolve any land issues relating to the development with the concerned owners of the subject building.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K14/522 Proposed Shop and Services (Showroom)
in “Other Specified Uses” annotated “Business” zone,
Unit Q, G/F, Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/522)
-

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K14/523 Proposed Shop and Services (Showroom)
in “Other Specified Uses” annotated “Business” zone,
Unit H, G/F, Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/523)
-

114. Noting that the two cases (No. A/K14/522 and 523) were applying for shop and services (showroom) use on the ground floor of the same industrial building, the Committee agreed to consider the two applications together.

Presentation and Question Sessions

115. With the aid of a powerpoint presentation, Miss Helen L.M. So, STP/K, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) shop and services (showroom) use;
- (c) departmental comments – no objection from concerned Government departments, including the Fire Services Department, Buildings Department and Transport Department was received;
- (d) two supporting public comment was received during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons given in paragraph 11.1 of the Paper.

116. Members had no question on the application.

Deliberation Session

117. The Chairperson remarked that the two applications complied with relevant Town Planning Board Guidelines.

118. After deliberation, the Committee decided to approve the applications, on the terms of the application as submitted to the Town Planning Board. Both permissions should be valid until 2.2.2009, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were each subject to the following conditions :

- (a) the submission and implementation of fire service installations in the application premises to the satisfaction of the Director of Fire Services or of the Town Planning Board 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.

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

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the proposed shop and services (showroom) use under application including the size of the application premises;
- (b) appoint an Authorized Person (AP) to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance; and

- (c) exercise extreme care when working in the vicinity of the public drains and sewers and did not disturb, interfere with or cause damage to them. Any blockage or damage to the public drains/sewers due to the works of the proposed development should be made good at the applicant's own cost and to the satisfaction of the Director of Drainage Services.

[The Chairperson thanked Mr. Kelvin K.W. Chan, DPO/K, and Miss Helen L.M. So, STP/K, for their attendance to answer Members' enquiries. Mr. Chan and Miss So left the meeting at this point.]

Agenda Item 15

Any Other Business

120. There being no other business, the meeting was closed at 12:50 p.m..