

TOWN PLANNING BOARD

**Minutes of 353rd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 13.7.2007**

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

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Assistant Commissioner for Transport (Urban),
Transport Department

Mr. Anthony Loo

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Simon Hui

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

Secretary

Absent with Apologies

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Mr. Raymond Y.M. Chan

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

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
Ms. Karina W.M. Mok

Agenda Item 1

Confirmation of the Draft Minutes of the 352nd MPC Meeting held on 22.6.2007

[Open Meeting]

1. The draft minutes of the 352nd MPC meeting held on 22.6.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Section 12A Application No. Y/H24/4

Proposed Amendments to the Zoning of Various Sites and the Notes for Various Zones on the Waterfront Area Covered by the Approved Central District Outline Zoning Plan No. S/H4/12 and the Approved Central District (Extension) Outline Zoning Plan No. S/H24/6

2. The Secretary reported that a section 12A application (No. Y/H24/4) was submitted by Designing Hong Kong on 11.5.2007 for rezoning various sites and amending the Notes for various zones at the Central waterfront area covered by the approved Central District Outline Zoning Plan (OZP) No. S/H4/12 and the approved Central District (Extension) OZP No. S/H24/6. Due to the wide public concern on the land uses at the waterfront area, she sought Members' views on whether the application should be referred to the Town Planning Board (TPB) for consideration rather than by the Committee. The Committee agreed that the application should be submitted to the TPB for consideration at its meeting to be held on 3.8.2007.

- (ii) New Town Planning Appeal Received

Town Planning Appeal No. 9 of 2007
Proposed Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a Period of 3 Years
in "Agriculture" zone,

Lot 384RP in DD 128, Ha Tsuen, Yuen Long

(Application No. A/YL-HT/471)

3. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 28.5.2007 against the decision of the TPB to reject on review an application (No. A/YL-HT/471) for a proposed temporary warehouse (storage and sale of organic food and gardening plants) for a period of 3 years at a site zoned "Agriculture" ("AGR") on the approved Ha Tsuen OZP No. S/YL-HT/8. The application was rejected by the TPB on 30.3.2007 mainly on the grounds that the development was not in line with the planning intention of the "AGR" zone and there was no information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and landscape impacts on the surrounding areas. The hearing date of the appeal was yet to be fixed. The Secretariat would act on behalf of the TPB in dealing with the appeal in the usual manner.

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

(iii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 21 of 2006

Temporary Vehicle Repair Workshop for a Period of 3 Years

in "Undetermined" and "Village Type Development" zones,

Lots 1335(Part), 1548(Part), 1550A(Part), 1550B, 1551(Part) and 1552(Part)

in DD 119, Tong Yan San Tsuen, Yuen Long

(Application No. A/YL-TYST/319)

4. The Secretary reported that the subject appeal was received by the TPAB on 17.11.2006 against the decision of the TPB to reject on review an application (No. A/YL-TYST/319) for temporary vehicle repair workshop for a period of 3 years at a site zoned "Undetermined" ("U") and "Village Type Development" ("V") on the approved Tong Yan San Tsuen OZP No. S/YL-TYST/10. On 25.6.2007, the appeal was abandoned by the appellant of his own accord. On 6.7.2007, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iv) Town Planning Appeal Statistics

5. The Secretary reported that as at 13.7.2007, 20 cases were yet to be heard by the TPAB. She remarked that the TPAB had expedited the processing of the outstanding appeal cases, another 10 cases had already been heard with their decisions pending. Details of the appeal statistics were as follows :

Allowed	:	17
Dismissed	:	97
Abandoned/Withdrawn/Invalid	:	123
Yet to be Heard	:	20
<u>Decision Outstanding</u>	:	<u>10</u>
Total	:	267

Tsuen Wan and West Kowloon District

[Mr. Edward P.L. Li, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K5/638 Proposed Hotel (Guesthouse)
in “Residential (Group A)” zone,
2/F to 7/F, 180-182 Tai Po Road, Sham Shui Po
(MPC Paper No. A/K5/638)
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Presentation and Question Sessions

6. The Committee noted that the applicant’s representative had requested on 20.6.2007 for deferment of the consideration of the application for two months to allow time

to prepare further information in support of the application.

Deliberation Session

7. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K20/101 Minor Relaxation of Maximum Non-domestic
Gross Floor Area Restriction for the Incorporation of
a Social Welfare Facility (Integrated Services Centre for
Women) in “Residential (Group A)9” zone,
Units 4 and 10, G/F, Hoi Wo House,
Hoi Lai Estate, West Kowloon Reclamation
(MPC Paper No. A/K20/101)
-

Presentation and Question Sessions

8. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared interests in this item :

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| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) and Building Committee of the HKHA; |
| Mr. James Merritt
as the Assistant Director (Kowloon) of the Lands Department | - being an assistant to the Director of Lands who was a member of the HKHA; |
| Ms. Margaret Hsia | - being an assistant to the Director of |

as the Assistant Director(2) of the Home Affairs Department	Home Affairs who was a member of the SPC and Subsidised Housing Committee of the HKHA;
Dr. Greg C. Y. Wong	- having current business dealings with the HKHA;
Professor Bernard V.W.F. Lim	- having current business dealings with the HKHA;
Mr. Stanley Y.F. Wong	- being a member of the HKHA; and
Mr. Walter K.L. Chan	- being a former member of the HKHA.

9. As both the Chairperson and Vice-chairman had declared interests in this item, Members agreed that the Chairperson could continue to chair the meeting out of necessity. Members also noted that Mr. James Merritt and Ms. Margaret Hsia had tendered apologies for not being able to attend the meeting and Professor Bernard V.W.F. Lim had not yet arrived at the meeting.

[Dr. Greg C.Y. Wong, Mr. Stanley Y.F. Wong and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

10. The Secretary also reported that Ms. Starry W.K. Lee, being the Vice-chairperson of the Kowloon Women's Organisations Federation Limited which would run the proposed integrated services centre for women under the current application, had declared interest in this item. Members noted that Ms. Starry W.K. Lee had not yet arrived at the meeting.

11. Edward P.L. Li, STP/TWK, drew Members' attention that the District Officer (Sham Shui Po) (DO(SSP))'s memo dated 10.7.2007 conveying the Hoi Lai Estate Hoi Wo House Mutual Aid Committee's comments on the application was tabled at the meeting for Members' consideration. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed minor relaxation of maximum non-domestic gross floor area (GFA) restriction for Hoi Lai Estate for the incorporation of a permitted social welfare facility (integrated services centre for women) within the estate;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) six public comments were received during the statutory publication period raising objection to or adverse comments on the application. The commenters were concerned with the adverse air ventilation impact and loss of sitting-out and pedestrian circulation areas due to the change in use of the premises for the subject integrated social services centre. DO(SSP) had consulted the Hoi Lai Estate Hoi Wo House Mutual Aid Committee who indicated support to the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper. The proposed relaxation was minor in nature as the subject integrated services centre for women with an area of 93m² was small in size and the total increase in non-domestic GFA for Hoi Lai Estate that had been approved under the previous applications plus the current proposal was only about 6.8% in excess of the non-domestic GFA restriction under the current Outline Zoning Plan (OZP). The current proposal would not affect the development bulk/scale and would not have adverse traffic or environmental impacts. As regards the public comments, the premises proposed for the integrated services centre for women were not designated for sitting-out or pedestrian circulation areas. According to the applicant, sufficient open spaces had been provided for the estate in accordance to Hong Kong Planning Standards and Guidelines and there were covered walkways providing linkages within the estate. There was no prima facie evidence that the current proposal would impede air ventilation.

12. Noting that it was common to have vacant ground floor areas in public housing

estates that could be converted to other uses as in the current application, a Member asked about the extent of minor relaxation of the non-domestic GFA restriction that could be sought under the planning application system. In reply, Mr. Edward P.L. Li, STP/TWK, said that Hoi Lai Estate had been developed to the maximum non-domestic GFA permissible under the current OZP. Conversion of the vacant ground floor areas for the proposed services centre would require planning permission for minor relaxation of non-domestic GFA. The Secretary supplemented that there was no absolute guidelines on the extent of minor relaxation that would normally be accepted. The impacts of the proposed relaxation on the general environment and its surrounding areas were material considerations. The Town Planning Board (TPB) had in some cases regarded relaxation of development restrictions not exceeding 10% over the OZP limit as minor, but for exceptional cases, the TPB had previously approved relaxation of site coverage of more than 20%. Nevertheless, each application would be considered on its own merits.

13. The same Member opined that it was an important consideration to ensure that the living environment/quality of the estate would not be adversely affected by the proposed relaxation. If more vacant ground floor areas within the estate would be enclosed for conversion into other uses in future, the air circulation of the estate could be affected. Another Member shared the same view and remarked that some local residents had raised the same concerns. Referring to Plan A-3 of the Paper, Mr. Edward P.L. Li, STP/TWK, replied that the vacant bay adjoining one of the application premises (i.e. Unit 4, G/F of Hoi Wo House) could still allow for air/pedestrian circulations.

Deliberation Session

14. Members generally considered the current application was acceptable. While having no objection to the provision of government, institution or community (GIC) facilities in public housing estates to serve the local residents and/or the wider area, Members were however concerned with the piecemeal approach in identifying and reserving GIC sites in public housing estates after completion. It was suggested that planning for GIC facilities should take a holistic approach and it would be better to designate areas for GIC uses during the planning stage even though the specific uses were yet to be identified. Members agreed. A Member further suggested the HKHA to examine to what extent could the vacant ground floor areas be converted for other uses without adversely affected the air ventilation for all

as the Assistant Director(2) of the Home Affairs Department	Home Affairs who was a member of the SPC and Subsidised Housing Committee of the HKHA;
Dr. Greg C. Y. Wong	- having current business dealings with the HKHA;
Professor Bernard V.W.F. Lim	- having current business dealings with the HKHA;
Mr. Stanley Y.F. Wong	- being a member of the HKHA; and
Mr. Walter K.L. Chan	- being a former member of the HKHA.

17. As both the Chairperson and Vice-chairman had declared interests in this item, Members agreed that the Chairperson could continue to chair the meeting out of necessity. Members also noted that Mr. James Merritt and Ms. Margaret Hsia had tendered apologies for not being able to attend the meeting, Professor Bernard V.M.F. Lim had not yet arrived at the meeting whereas Dr. Greg C.Y. Wong, Mr. Stanley Y.F. Wong and Mr. Walter K.L. Chan had left the meeting temporarily.

18. Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to an approved scheme under Application No. A/KC/278 for redeveloping the former Kwai Chung Factory Estate for public rental housing use which was approved with conditions by the Committee on 13.12.2002, with minor amendments approved with conditions by the Director of Planning under the delegated authority of the Town Planning Board (TPB) on 20.8.2003 (i.e. Application No. A/KC/285);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no objection to

the proposed deletion of footbridge across Tai Wo Hau Road subject to no local objection, and commented that the parking demand of the future residents at the application site had been met by the 93 parking spaces reserved in the adjacent Kwai Chung Estate under the two previously approved schemes;

- (d) no public comment was received during the statutory publication period. While having no objection to the proposed amendments relating to the reduction in site area and additional car parking provision, the District Officer (Kwai Chung and Tsing Yi) (DO(KC&TY)) commented that the at-grade pedestrian crossings across Tai Wo Hau Road should be designed to meet the needs of the future residents. The Kwai Tsing District Council members also had no comments on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 10.1 of the Paper. As regards the AC for T/NT, TD's comments, no public comment and local objection were received on the proposed deletion of footbridge across Tai Wo Hau Road. Besides, the applicant advised that 18 additional car parking spaces were proposed within the application site under the current application to provide convenience to the future residents, particularly those with special needs e.g. the elderly and children.

19. In response to Members' questions, Mr. Edward P.L. Li, STP/TWK, made the following main points :

Parking Provision for the Subject Public Housing Estate

- (a) under the two previously approved schemes, parking provision for the subject public housing estate would be provided in the adjacent Kwai Chung Estate. In the current scheme, 18 additional car parking spaces were proposed within the application site;
- (b) according to the applicant's submission in a previous application (No. A/KC/326) approved with condition by the Committee on 25.5.2007, the

average surplus rate of parking spaces in Kwai Chung Estate was 32%;

Proposed Deletion of Footbridge Across Tai Wo Hau Road

- (c) referring to Drawing A-1 of the Paper, the footbridge in question was located at the south-western corner of the application site spanning across Tai Wo Hau Road under the previously approved Application No. A/KC/278, with its alignment amended under Application No. A/KC/285;
- (d) according to the applicant, the proposed deletion could provide a better layout for the open spaces within the application site. At-grade pedestrian crossings were also provided across Tai Wo Hau Road and Wo Tong Tsui Street;
- (e) the deletion of the subject footbridge was not arising from the proposed reduction in site area to facilitate the widening of a footpath; the need to accommodate 18 additional car parking spaces within the application site; or the need to provide a better layout for the open spaces within the application site. In fact, both the open spaces and the footbridge could be accommodated under the two previously approved schemes;
- (f) Tai Wo Hui Road was not a major road in the area, most traffic used Wo Tong Tsui Street. However, there was no information regarding the projected traffic flow on Tai Wo Hau Road and Wo Tong Tsui Street;

Consultation Matters

- (g) there was a two-pronged public consultation arrangement on planning applications. Firstly, it was a statutory requirement in which newspaper notice would be published for all applications and site notices would be posted wherever the local circumstances allowed. Secondly, it was an administrative arrangement in which Planning Department (PlanD) would work together with relevant DO with a view to collecting local views through consultation with interested members of relevant District Council and area committees. Notice of application would also be sent to Owners' Corporation, Owners' Committee or other management committee found

within 100 feet from the application site boundary, if any; and

- (h) for this case, no local objection and public comment was received on the application. The proposed public rental housing at the application site had yet been completed and hence no residents or estate management advisory committee of the housing estate in question could be consulted. However, according to the applicant's further information in Appendix Ia of the Paper, the Housing Department had two meetings with the local residents regarding the proposed deletion of footbridge and no objection was received.

20. The Secretary supplemented that according to the application's submission in Appendix I of the Paper, with the provision of 18 additional car parking spaces within the application site under the current application, the footbridge was no longer required and thus was proposed to be deleted.

Deliberation Session

21. Members had reservation on the proposed deletion of footbridge across Tai Wo Hau Road and their concerns/views were summarised below :

- (a) the purpose/function of the proposed footbridge under the previously approved schemes and the reasons for deleting it under the current scheme should be clarified. The footbridge would provide the residents of the subject public housing estate access to all the facilities, rather than just providing linkages to the car parking facilities in Kwai Chung Estate and for the residents of Kwai Chung Estate access to the open space provision in the subject public housing estate;
- (b) according to Drawing A-1 of the Paper, pedestrians using the at-grade crossings at Tai Wo Hau Road and Wo Tong Tsui Street had to wait for two to three traffic light stops, which was undesirable and not user-friendly. Consideration should be given to improving this traffic arrangement;

- (c) according to the applicant, the subject public housing estate would have a population of over 6,000 persons. Traffic and pedestrian flows along Tai Wo Hau Road would increase with the occupation of the estate in future. Clarification should be sought from the applicant on the location of pedestrian facilities as well as the forecast pattern and volume of traffic and pedestrian flows upon completion of the proposed public housing estate; and
- (d) it was not clear which local bodies/residents had been consulted on the proposed amendments. It seemed that those consulted were not related to the proposed public housing estate at the application site. Clarification from the applicant was required.

22. Mr. Anthony Loo, Assistant Commissioner for Transport (Urban), TD, said that people with special needs e.g. the elderly and children generally preferred using at-grade pedestrian crossing facilities rather than footbridges. However, as raised by a Member, at-grade pedestrian crossing facilities might comprise several traffic light stops and hence resulted in a longer crossing time. A balance had to be struck among these factors in determining the appropriate type of pedestrian facilities to be provided. If the footbridge in question was to be retained, ways to encourage the use of the footbridge should be explored and the need for retaining the at-grade pedestrian crossings should be reviewed.

23. After deliberation, the Committee decided to defer a decision on the application pending the submission of further information from the applicant to address Members' concerns as stated in paragraph 21(a) to (d) above.

[The Chairperson thanked Mr. Edward P.L. Li, STP/TWK, for his attendance to answer Members' enquiries. Mr. Li left the meeting at this point.]

[Dr. Greg C.Y. Wong, Mr. Stanley Y.F. Wong and Mr. Walter K.L. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TWW/87 Proposed House Development at Plot Ratio of 1.2
in “Residential (Group C)2” zone,
Lots 414RP and 415 in DD 399,
Ting Kau, Tsuen Wan
(MPC Paper No. A/TWW/87)
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Presentation and Question Sessions

24. The Committee noted that the applicant’s representative had requested on 20.6.2007 for deferment of the consideration of the application to allow time to address the comments raised by relevant Government departments.

Deliberation Session

25. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 the further information, and no further deferment would be granted unless under very special circumstances.

Kowloon District

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K9/218 Shop and Services (Showroom for Health Food)
in “Other Specified Uses” annotated “Business” zone,
Workshop C1 (Portion), G/F,
Hang Fung Industrial Building, Phase I,
2G Hok Yuen Street, Hung Hom
(KML 69RPB, 69RPC, 86RPB, 86RPC and 40J1)
(MPC Paper No. A/K9/218)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (showroom for health food) use;
- (c) departmental comments – no objection from concerned Government departments, including the Director of Fire Services (D of FS), was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper, in that the applied use was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and complied with the Town Planning Board (TPB) Guidelines No. 22C on ‘Development within “OU(B)” zone’.

27. Although the applicant claimed that the target customer of the subject showroom was foreign merchandisers and not more than 15 visitors would be invited to the showroom each time, a Member noted that the lecture room as shown in Plan A-5 of the Paper seemed to be able to accommodate a larger number of visitors. Mr. Eric C.K. Yue, DPO/K, replied that if the application was to be approved by Members, the application premises should be used in accordance with the terms of the application as submitted. Another Member asked whether enforcement action could be taken if unauthorised uses/activities were carried out at the application premises. Mr. Yue replied that there was no provision under the Town Planning Ordinance for planning enforcement in the urban and new town areas. If unauthorised uses/activities were found, enforcement action had to be taken under the lease or building plan submission.

28. In response to a Member's question, Mr. Eric C.K. Yue, DPO/K, said that according to the TPB Guidelines No. 22C, commercial uses with an aggregate floor area of not exceeding 460m² and 230m² were allowed on the ground floor of an industrial/industrial-office (I-O) building with and without sprinkler systems respectively. Such floor area criteria did not apply to commercial uses in support of or ancillary to the main industrial uses such as showroom, local provisions store, etc. For this case, the subject showroom was in connection with a factory in Kwun Tong. The Secretary then explained the changes introduced in the past decades to the relevant guidelines prepared by the TPB to cater for the structural change in the industrial sector and to facilitate the transformation of industrial area. She said that in the 80s, ancillary showroom provided in industrial buildings had to be related to industrial use in the same industrial building in the same industrial area. Such requirement had been relaxed over time and as it currently stood, ancillary showroom in the industrial building did not require to be related to the industrial use located in the same industrial building in the same industrial area.

Deliberation Session

29. A Member had no in-principle objection to the application, but opined that it was difficult to ensure that the patronage of the showroom would be confined to foreign merchandisers and not more than 15 visitors each time, which would have fire safety and traffic implications. By referring to the District Lands Officer/Kowloon West, Lands

Department's comments in paragraph 9.1.1 of the Paper, the Chairperson remarked that as the application premises was subject to virtually unrestricted lease, it was unlikely that lease enforcement action could be taken in the event of breaching of the planning approval.

30. The Chairperson remarked that the subject showroom was located on the ground floor with street frontage and hence means of escape should not be a major concern. However, to address the concerns on the difficulty in enforcement, the Chairperson suggested and Members agreed to approve the application on a temporary basis for a period of 3 years to monitor that the application premises would be used in accordance with the terms of the application as submitted.

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years up to 13.7.2010, on the terms of the application as submitted to the TPB and subject to the following conditions :

- (a) the submission and implementation of fire service installations for the showroom use in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.1.2008; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

32. The Committee also agreed to advise the applicant that :

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should liaise with the Chief Building Surveyor/Kowloon, Buildings Department on the submission of alterations and additions building plan for the subject showroom use; and
- (b) to resolve any land issues relating to the application with the concerned owners of the subject premises.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K15/80 Industrial Use (Frozen Confection Factory)
 in “Residential (Group E)” zone,
 Unit A, 3/F, Wah Shun Industrial Building,
 4 Cho Yuen Street, Yau Tong
 (MPC Paper No. A/K15/80)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the industrial use (frozen confection factory);
- (c) departmental comments – the Director of Environmental Protection (DEP) had no objection to the application as the subject frozen confection factory would not involve heavy equipment and its operation would not produce fume. However, he was concerned with the industrial/residential (I/R) interface problem as planning permission for a proposed residential development had been granted by the Committee at the adjoining site;
- (d) no public comment was received during the statutory publication period. The District Officer (Kwun Tong) also had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper. The subject frozen confection factory was considered a non-polluting industrial use and would not generate adverse impacts on the developments within the subject building and adjacent areas. As regards DEP’s concerns on

the I/R interface problem, under the “Residential (Group E)” (“R(E)”) zone, industrial uses would no longer be permitted upon redevelopment of the existing industrial building whereas new industrial operations within the existing industrial buildings would be monitored through the planning application system. The planning intention of the “R(E)” zone was to encourage the redevelopment of the existing obsolete industrial buildings for residential use on application to the Town Planning Board (TPB), which would be a market-driven and gradual process. The keeping of non-polluting industrial operations in active industrial buildings during the transitional period would not deviate from the planning intention of the “R(E)” zone.

34. In response to the Chairperson’s enquiry, Mr. Eric C.K. Yue, DPO/K, replied that seven sites in the Yau Tong industrial area had obtained planning permission to redevelop the existing industrial buildings into residential development with commercial uses at the lower floors. Out of the seven sites, only one site had been redeveloped into a residential development, one site was vacant and the site adjoining the application site was now under construction. The industrial buildings at the remaining four sites had not yet been redeveloped.

35. A Member sought clarification on the DEP’s concerns in paragraph 9.1.3 of the Paper. In reply, Mr. Simon Hui, Assistant Director (Environmental Assessment), Environmental Protection Department, advised that judging from the scale and operations involved, there was no objection to the subject frozen confection factory on environmental grounds. Notwithstanding, approving the application would introduce new industrial use into the area which might create new I/R interface problem during the transitional period and was not in line with the long-term planning intention of the “R(E)” zone to phase out existing industrial uses in the area. The application therefore might have implications in the wider perspective of the planning intention and overall planning of the area.

Deliberation Session

36. The Secretary explained that the I/R interface issue had been duly taken into account when the “R(E)” zone was introduced in 1998. Under the “R(E)” zone, any new industrial uses in existing industrial buildings had to be non-polluting and required planning

permission to resolve any possible I/R interface problem or environmental concerns during the transitional period as well as to impose appropriate planning conditions to ensure compliance. If approved, the non-polluting industrial uses would be tolerated for the life-time of the industrial building until the building was redeveloped for residential use on application to the TPB in accordance with the planning intention of the “R(E)” zone.

37. In response to the DEP’s concerns, the Chairperson said that Members could consider approving the application on a temporary basis which would give a clear signal to the applicant that the planning intention of the “R(E)” zone was to phase out industrial uses in the area.

38. A Member said that there were many logistics companies in the area along Sze Shan Street and Cho Yuen Street. The subject frozen confection factory was similar to cold storage use and had no adverse environmental impacts. The subject industrial building was still active. Non-polluting industrial operations in active industrial buildings should be permitted for the life-time of the building rather than on a temporary basis. Another Member added that the frozen confection factory was not incompatible with the existing uses of the subject industrial building which were mostly warehouse uses. Other Members agreed.

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the TPB and subject to the condition that the submission and implementation of fire service installations in the application premises to the satisfaction of the Director of Fire Services or of the TPB.

40. The Committee also agreed to advise the applicant to apply to the Director of Food and Environmental Hygiene for a “Frozen Confection Factory Licence” for the existing use.

[Professor Bernard V.M.F. Lim arrived to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K15/81 Proposed Comprehensive Residential
and Commercial Development
in “Comprehensive Development Area” zone,
5, 8, 10, 16, 18, 20 and 21 Tung Yuen Street,
3 Yan Yue Wai and the Adjoining Government Land,
Yau Tong

(MPC Paper No. A/K15/81)
-

Presentation and Question Sessions

41. The Secretary reported that the application was submitted by subsidiaries of the Cheung Kong (Holdings) Limited with Greg Wong & Associates Limited being one of the Consultants. Dr. Greg C.Y. Wong, having current business dealings with Cheung Kong (Holdings) Limited and being the Director of Greg Wong & Associates Limited, had declared interest in this item. As the item was on the applicant’s request to defer consideration of the application, Members agreed that he could stay at the meeting.

42. The Committee noted that the applicant’s representative had on 18.6.2007 requested for deferment of the consideration of the application to allow time to address the comments raised by relevant Government departments.

Deliberation Session

43. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairperson thanked Mr. Eric C.K. Yue, DPO/K, and Mr. C.C. Lau, STP/K, for their attendance to answer Members’ enquiries. Mr. Yue and Mr. Lau left the meeting at this point.]

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, seven public comments were received. Five commenters were mainly concerned with the traffic impacts, potential nuisances to the local residents and/or the need for more commercial uses in the area, including one who requested for the traffic data and additional number of customers to be attracted by the proposed uses. A commenter objected to the proposed cinema use mainly due to the concern on unnecessary commercialisation of the area. Another commenter had no objection to the application but questioned if the proposed cinema use would be profitable; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the proposed eating place, shop and services and school uses for the reasons as detailed in paragraph 11.1 of the Paper, mainly in that these proposed uses were similar to the existing uses at the subject shopping centre and would unlikely generate adverse visual, traffic, environmental or infrastructural impacts on the area. However, PlanD had reservation on the proposed cinema use for the reasons as detailed in paragraph 11.2 of the Paper. Being a public entertainment facility, the proposed cinema use was not compatible with the character of the medium-density high-class residential neighbourhood and not related closely with the visitor/tourist activities in the area. The applicant had not provided sufficient information to justify why the two proposed cinemas had to be located at the subject shopping centre.

45. Members asked the following questions :

- (a) whether the proposal would affect the façade of the existing shopping centre, noting that the existing shopping centre was refurbished from the former Repulse Bay Hotel at the application site and its colonial-style architecture was a landmark feature in Hong Kong;

- (b) what was the normal scale of shopping centre permitted in “Residential (Group B)” (“R(B)”) zone and whether the scale of the subject shopping centre under application was more similar to those allowed as of right in “Residential (Group A)” (“R(A)”) zone; and
- (c) what was the scale of the proposed cinema use and would there be any special theme for the types of movie to be shown.

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

46. In reply, Ms. Christine K.C. Tse, DPO/HK, and Mr. David C.M. Lam, STP/HK, made the following main points :

- (a) referring to Drawings A-1 to A-4 and Plans A-3 to A-6, the overall colonial-style appearance and façade of the subject shopping centre would not be affected. The proposal would mainly involve the conversion of unused spaces and existing uses within the existing shopping centre for the proposed uses. The proposed new structure on the first floor of the shopping centre and the proposed outdoor car park along the access road off Repulse Bay Road as shown in Plan A-4 would not be visible from Repulse Bay Road;
- (b) while there was no absolute guidelines on the scale of commercial uses that would be permitted within the “R(B)” zone, commercial uses in this zone were generally intended to serve the residential neighbourhood and required planning permission according to the Notes of the relevant Outline Zoning Plan (OZP). Each application would be considered by the Town Planning Board (TPB) on its individual merits. In this case, given the proximity of tourist spots nearby, the subject shopping centre served both the local residents and visitors in the wider area; and
- (c) according to the applicant, two mini cinemas each with 50 seats were proposed on the first floor of the shopping centre and they would be of high-quality up-market type similar to the “Director’s Cinema”.

Deliberation Session

47. A Member had reservation on the application as the proposed 36% increase of non-domestic gross floor area (GFA) from that of the existing provision was not minor. The existing parking facilities at the subject shopping centre was already heavily used and sometimes generating traffic queues during weekends. Noting that cinema and school uses should not co-exist in the same building under the Building (Planning) Regulation as stated in paragraph 2(c) of the Paper, that Member raised strong reservation on the proposed cinemas and asked if such situation existed in any other places in Hong Kong. Ms. Christine K.C. Tse, DPO/HK, replied that no such information was available at hand. However, the applicant had proposed mitigation measures to address the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD)'s concerns on this issue. Referring to paragraph 9.1.2 of the Paper, CBS/HKW, BD had accepted the co-existence of cinema and school uses and had no in-principle objection to the current application under the Buildings Ordinance.

48. Another Member also had reservation on the application, particularly the proposed cinemas and the decking over of the existing open-air landscaped area with staircases. The visual amenity of that landscaped area would be lost and the deck over might affect the air ventilation. A Member added that the proposed cinemas were small in scale and might not be viable as in the case of two cinemas in Hang Fa Chuen which had been closed down despite having a catchment population of about 50,000 persons. Construction wastes would be generated if the proposed cinemas were eventually closed down and demolished.

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

49. In response to Member's questions on the development intensity and local comments, the Chairperson said that the existing shopping centre had already fully utilized the maximum GFA permissible for the non-residential area under the lease whereas the total GFA of the residential and commercial portions at the application site, even with the proposed additional non-domestic GFA under the current application, had not yet exceeded the plot ratio restriction stipulated in the OZP. Ms. Christine K.C. Tse, DPO/HK,

supplemented that the District Officer (Southern), Home Affairs Department had not received any local comments/objection. Notwithstanding, seven public comments, including one from a Southern District Council member, had been received on the application as earlier presented.

50. Two Members opined that there were fundamental concerns on the application in that the proposed additional commercial floor areas were not in line with the planning intention of the “R(B)” zone and that the existing character and amenity of the locality would be affected by the proposal. Members generally were of the view that there were already existing shop and services uses at the subject shopping centre to serve the local residents and visitors in the wider area. The planning intention of the “R(B)” zone was primarily for medium-density residential development and no strong justifications had been given to demonstrate that additional commercial floor areas were required to serve the residential neighborhood. Besides, the subject shopping centre with colonial building style and relaxing character was unique in Hong Kong and should be preserved. The current proposal, involving substantial increase in non-domestic GFA and change of uses, would affect such existing character and amenity.

51. Taking into account the general stance of the Members of not supporting the application, the Committee agreed that the Members’ views should be appropriately reflected in the reasons for rejection.

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

- (a) the proposed additional commercial floor areas were not in line with the planning intention of the “R(B)” zone, which was intended primarily for medium-density residential development, and would affect the existing character and amenity of the area; and
- (b) there was insufficient information to justify the provision of the proposed uses, in particular the cinemas, at the application site.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H19/53 House (Redevelopment of Private Garden Only)
in “Residential (Group C)” and
“Coastal Protection Area” zones,
35 Tung Tau Wan Road (RBL 714) and Adjoining
Government Land, Stanley
(MPC Paper No. A/H19/53)
-

Presentation and Question Sessions

53. 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) the house (redevelopment of private garden only) use, highlighting that the applicant proposed to redevelop a piece of Government land which was partly zoned “Residential (Group C)” (“R(C)”) and partly “Coastal Protection Area” (“CPA”) into a private garden of the existing house on the adjoining private lot (RBL 714) within the application site;
- (c) departmental comments – the District Lands Officer/Hong Kong West & South, Lands Department (DLO/HKW&S, LandsD) advised that the subject piece of Government land did not form part of RBL 714. No permission had been granted to the owner of RBL 714 to use the subject Government land. There was also no record of any activity on or actual occupation of the Government land by a particular party. The slope works at the subject Government land were unauthorised and unacceptable from land administration point of view. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application from visual and landscape planning points of view. The proposal would create a massive podium and tall retaining walls that would affect the existing sloping area. The “CPA” zone within the application site should better be planted in order to blend in with the surrounding

“CPA” area which was covered with coastal plant species;

- (d) during the statutory publication period, one public comment was received. The commenter objected to the application if building over the existing garden would be involved as it would be out of character within the neighbourhood; and
- (e) the Planning Department (PlanD)’s views – PlanD was of the view that there was no provision for the Committee to grant planning permission for the subject application for the reasons given in paragraph 10.1 of the Paper. Section 16(4) of the Town Planning Ordinance (the Ordinance) specified that the Town Planning Board (TPB) might grant planning permission only to the extent shown or provided for or specified in the statutory plan. In light of the DLO/HKW&S, LandsD’s advice as mentioned in paragraph 53(c) above, the proposed private garden could not be regarded as redevelopment of the existing house at RBL 714, i.e. ‘House (Redevelopment Only)’ use provided under Column 2 of the Notes of the “CPA” zone. Instead, it was an ancillary facility to the existing house at RBL 714 and should be regarded as proposed ‘House’ use, which was neither a Column 1 nor 2 use under the “CPA” zone.

54. Members had no question on the application.

Deliberation Session

55. The Committee agreed that there was no provision for the Committee to grant planning permission for the subject application. The Committee also agreed to advise the applicant that the proposed private garden development should be regarded as a proposed house development but not as ‘House (Redevelopment Only)’ under the “CPA” zone. The proposed ‘House’ use was neither a Column 1 nor 2 use in the “CPA” zone. There was no provision for the TPB to grant planning permission for the subject application.

[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.]

Agenda Item 6

Any Other Business

56. There being no other business, the meeting was closed at 11:15 a.m.