

TOWN PLANNING BOARD

**Minutes of 358th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 28.9.2007**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

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. Elvis W.K. Au

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

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

Secretary

Absent with Apologies

Dr. Greg C.Y. Wong

Vice-chairman

Professor N.K. Leung

Dr. Daniel B.M. To

Ms. Maggie M.K. Chan

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
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Mr. K.W. Ng

Agenda Item 1

Confirmation of the Draft Minutes of the 357th MPC Meeting held on 14.9.2007

[Open Meeting]

1. The draft minutes of the 357th MPC meeting held on 14.9.2007 were confirmed without amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary said that there were no matters arising from the last meeting.

Tsuen Wan and West Kowloon District

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

Agenda Item 3

Section 16 Applications

[Open Meeting]

- (i) A/K20/91 Clarification on the Proposed Commercial/Hotel Use at the Podium Level on the Approved Master Layout Plan of the Comprehensive Development Area at Airport Railway Kowloon Station, West Kowloon Reclamation (MPC Paper No. A/K20/91)
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3. The application was submitted by the Mass Transit Railway Corporation Ltd. (MTRCL), in joint venture with the Sun Hung Kai Properties Ltd. (SHKPL). The Secretary reported that Dr. Greg C.Y. Wong, Mr. Raymond Y.M. Chan, Mr. Felix W. Fong and Mr.

Anthony Loo had declared interests in this item as Dr. Wong, Mr. Chan and Mr. Fong had current business dealings with the SHKPL while Mr. Loo was an Assistant Commissioner of the Transport Department, and the Commissioner for Transport was a member of the Board of the MTRCL. The Committee noted that Dr. Wong had tendered apologies for not attending the meeting.

[Mr. Raymond Y.M. Chan, Mr. Felix W. Fong and Mr. Anthony Loo left the meeting temporarily at this point.]

4. Mr. Louis K.H. Kau, STP/TWK, presented the case as detailed in the Paper, and made the following main points :

- (a) on 29.7.2005, the Committee approved a planning application (No. A/K20/91), involving a Master Layout Plan (MLP) for the comprehensive development above the Airport Railway Kowloon Station. According to the approved MLP, the pavilions at the podium level were shown as “commercial/hotel use” while on the approved Landscape Master Plan (LMP), which formed part of the approved MLP, they were shown as “retail”;
- (b) the Food and Environmental Hygiene Department recently sought comments from the Planning Department (PlanD) on issuing general restaurant licences for the concerned pavilions. The PlanD also received a letter from a Yau Tsim Mong District Council (DC) member raising objection to the proposed restaurant use at the pavilions due to possible security problem and noise nuisance. The DC member also pointed out the subject area was shown as “retail” on the MPL;
- (c) the applicant submitted a letter to the Town Planning Board (TPB) on 25.9.2007 requesting the TPB to confirm that the “commercial” use for the concerned pavilions shown on the approved MLP should include “restaurant” use;

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

- (d) the PlanD agreed that the “commercial” use shown on the approval MLP should include “restaurant” use and prevail over the approved LMP for the reasons as detailed in paragraph 2.1 of the Paper; and
- (e) the applicant would be advised to liaise with the residents to address the local concerns on noise and security issues.

5. The Chairperson said that the clarification was required because of a discrepancy on the annotation of uses between the approved MLP and LMP. It was considered that the MLP should prevail over the LMP as far as uses were concerned, and the “commercial” use on the MLP should cover uses such as retail shop, hotel and eating place.

6. In response to a Member’s question, Ms. Heidi Y.M. Chan, DPO/TWK, referred Members to the development schedule of the approved MLP shown in Drawing FA-10 of the Paper and said that eating place was specified as one of the uses in the shopping centre. The building design should have already taken into account the possible exhaust and sewage that might be generated by the proposed restaurants. The Secretary explained that there was in fact no change of use as the approved “commercial” use on the MLP should include eating places. On the building plans approved by the Building Authority under the Buildings Ordinance, the concerned pavilions were marked as “restaurant”. As such, the building design should have taken into account the possible exhaust and sewage that might be generated by the eating places to be operated in the pavilions.

7. After deliberation, the Committee agreed to confirm that the “commercial” use shown on the approved Master Layout Plan included restaurants and hence such use should be permitted. The Committee also agreed to advise the applicant to liaise with the local residents to address their concerns on the possible noise nuisance and/or security problem relating to the concerned restaurants.

[The Chairperson thanked Mr. Louis K.H. Kau, STP/TWK, for his attendance to answer Members’ enquiries. Mr. Kau left the meeting at this point.]

[Mr. Raymond Y.M. Chan, Mr. Felix W. Fong and Mr. Anthony Loo returned to join the meeting at this point.]

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K5/642 Proposed Flat (Public Rental Housing) in
 “Residential (Group E)” zone,
 Ex-Cheung Sha Wan Flatted Factory
 (Western Portion), Sham Shui Po
 (MPC Paper No. A/K5/642)
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Presentation and Question Sessions

8. The Secretary said that as the subject application was submitted by the Housing Department (HD) on behalf of the Hong Kong Housing Authority (HKHA), 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 Building Committee
and the Strategic Planning Committee
(SPC) of the HKHA |
| Dr. Greg C.Y. Wong | - having current business dealing with the HD |
| Professor Bernard V.W.F. Lim | - having current business dealing with the HD |
| Mr. Stanley Y.F. Wong | - being a member of the HKHA |
| Mr. Walter K.L. Chan | - being a former member of the HKHA |
| Mr. James Merritt
as the Assistant Director of
Lands Department | - being an assistant to the Director of Lands
who was a member of the HKHA |
| Ms. Margaret Hsia
as the Assistant Director of
Home Affairs Department | - being an assistant to the Director of Home
Affairs who was a member of the SPC and
the Subsidised Housing Committee of the
HKHA |

9. The Committee noted that Dr. Greg C.Y. Wong and Ms. Margaret Hsia had tendered apologies for being unable to attend the meeting. As the applicant had requested the Committee to defer consideration of the application, Members agreed that the Chairperson should continue to chair the meeting, and Professor Bernard V.W.F. Lim, Mr. Stanley Y.F. Wong, Mr. Walter K.L. Chan and Mr. James Merritt were allowed to stay in the meeting.

10. The Committee noted that the applicant on 24.9.2007 requested for a deferment of the consideration of the application to allow time for the applicant to prepare supplementary information to address the concerns raised by relevant Government departments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K16/29 Proposed First Aid Training and Youth Volunteer Activities Centre in “Road” zone, Area underneath Elevated Road of Kwai Chung Road (Mei Foo Section) and Adjoining Mei Foo Bus Terminus
(MPC Paper No. A/K16/29)
-

Presentation and Question Sessions

12. The application was submitted by the Hong Kong Red Cross (HKRC). The Secretary reported that Professor N.K. Leung and Professor Bernard V.W.F. Lim, being

members of the HKRC, had declared interests in this item. The Committee noted that Professor Leung had tendered apologies for not attending the meeting.

[Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

13. Mr. P.C. Mok, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed first aid training and youth volunteer activities centre use;
- (c) departmental comments – the application was welcome by the Director of Social Welfare and supported by the Director of Health. The Director of Environmental Protection (DEP) did not support the application as the application site, which was located underneath the heavily trafficked Kwai Chung Road and next to Mei Foo Bus Terminus, would be subject to adverse vehicular emission impact. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of 40 public comments were received from the Sham Shui Po District Council members, Incorporated Owners of Mei Foo Sun Chuen, Mei Foo General Commercial Association, Mei Foo Sun Chuen Residents Association, and private individuals during the statutory publication period of the application. Among these, 2 supported the application while the remaining 38 objected to it for the reasons that the proposed development would cause problems on the environment, pedestrian accessibility, fire safety, wall effect, security, structural integrity and loss of open space; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper in that the proposed development would be subject to adverse vehicular emission impact. The DEP did not support the application. The applicant, after obtaining policy support from the concerned bureau for the proposed

community facilities, might consider approaching the Government to identify suitable premises in Government developments through a site search exercise.

14. In response to a Member's question, Ms. Heidi Y.M. Chan, DPO/TWK, said that the applicant had in the submitted "Site Analysis Plan" (i.e. Drawing A-1 of the Paper) provided some descriptive analyses on the air ventilation and noise levels of the application site. No analysis of the impact of the proposed development on pedestrian accessibility had been included. In response to another Member's question, Ms. Chan said that the Pok Hoi Hospital Lai Wan Mei Foo Social Centre for the Elderly to the east of the application site was opened in 1994. No planning permission had been granted for the use but that site was held under a short-term tenancy.

Deliberation Session

15. After deliberation, the Committee decided to reject the application and the reason was that the application site, which was located underneath the heavily trafficked Kwai Chung Road and next to Mei Foo Bus Terminus, would be subject to adverse vehicular emission and hence was unsuitable for the proposed use.

[Professor Bernard V.W.F Lim returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

(iv)	A/TY/101	Concrete Batching Plant in "Industrial" zone, Tsing Yi Town Lot 108RP(Part), Tsing Yi (MPC Paper No. A/TY/101)
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Presentation and Question Sessions

16. The application was submitted by the Hong Kong United Dockyards which was a joint venture of the Hutchison Whampoa Ltd. (HWL) and the Swire Pacific Ltd. (SPL). The Secretary reported that Dr. Greg C.Y. Wong and Mr. Felix W. Fong had declared interests in this item as they had current business dealings with the HWL. Mr. Raymond Y.M. Chan

had also declared an interest in this item as he had current business dealings with the SPL. The Committee noted that Dr. Greg C.Y. Wong had tendered apologies for not attending the meeting.

[Mr. Raymond Y.M. Chan and Mr. Felix W. Fong left the meeting temporarily at this point.]

17. Mr. P.C. Mok, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed permanent concrete batching plant use;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories of the Transport Department (AC for T/NT, TD) did not support the application from traffic engineering consideration as the proposed development would aggravate the traffic conditions of the already heavily trafficked junction at Sai Tso Wan Road as well as the immediate adjacent junction at Cheung Tsing Highway. The applicant’s proposed traffic improvement schemes were considered not acceptable nor viable in view of the existing site constraints and high potential costs incurred. The District Lands Officer/Tsuen Wan and Kwai Tsing of the Lands Department did not support any permanent change of user of the concerned lot or any portion thereof to concrete batching plant unless there was a policy support. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) two Kwai Tsing District Council members, two members of the public, and a solicitors firm on behalf of some Tsing Yi residents made a total of five public comments during the statutory publication period. They all objected to the application for the reasons as detailed in paragraph 10 of the Paper, including the proposed development was not in line with the planning intention of the “Industrial” zone; it might increase the traffic burden on Tsing Yi Island, generate negative impacts on the environment

and cause noise nuisance; and there was inadequate provision of lorry parking and loading/unloading spaces on the application site;

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 11.1 of the Paper in that the “Industrial” zone was intended primarily for general industrial uses. The proposed development, with its special mode of operation, was considered not compatible with the proposed recreation and tourism related uses to the north-west of the application site. Also, the proposed development would aggravate the traffic conditions in the area. The traffic improvement schemes proposed by the applicant were considered not viable by the AC for T/NT, TD.

18. In response to the Chairperson's and some Members' enquiries, Ms. Heidi Y.M. Chan, DPO/TWK, made the following points :

- (a) since the operation of the concerned concrete batching plant on the application site in 2003, the Environmental Protection Department had received three public complaints. All were related to the dust nuisance caused by the plant. However, none of them was substantiated after investigation;
- (b) the locations of the four approved concrete batching plants within the “I” zone on the Tsing Yi Outline Zoning Plan (OZP) were shown in Plan A-6 of the Paper. All the sites were located not adjoining the “Other Specified Uses” annotated “Recreation and Tourism Related Uses” zone. The approval conditions attached to the permissions were detailed in Appendix II of the Paper. Application No. A/TY/85 involved the redevelopment of an existing concrete batching plant on a piece of private land, while the remaining three cases (Applications No. A/TY/32, A/TY/58 and A/TY/59) involved new concrete batching plants proposed on Government land. Up till now, none of these approved plants had been in operation;

- (c) according to the applicant's submission, the production materials for the subject concrete batching plant were transported to the application site by marine transport; and
- (d) according to Plan A-6 of the Paper, the nearest residential development was quite far away to the east of the application site, with a hill in the middle.

Deliberation Session

19. The Chairperson said that it was not easy to find suitable sites for concrete batching plants in Hong Kong as such sites had to be accessible by vehicles and not near to residential developments. For the subject site, if the applicant could demonstrate that the proposed plant would not generate adverse traffic impact on the surrounding areas and could satisfactorily address the interface with the planned recreation and tourism related uses to its north-west, it might not be a case with fundamental land use conflict. A Member shared the Chairperson's views, noting that the subject plant could utilize its waterfront location to transport the production materials to the plant by marine transport, which would lessen the road traffic.

20. A Member had reservation on the application as it was for a permanent instead of temporary permission. Another Member asked for the updated situations of three previous approvals, involving Government land. Ms. Heidi Chan replied that those three sites were still available, though the permissions had already lapsed. Since there had not been any change of planning circumstances, any fresh application for proposed concrete batching plants on these three sites might still be approved.

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

21. In response to the Chairperson's question on the Committee's previous decision in May 2007 to amend the approved Tsing Yi OZP No. S/TY/22 to make provision for planning applications for asphalt production plant use, the Secretary explained that the decision was a follow-up action relating to a judicial review (JR) case concerning a temporary asphalt production plant at Fu Tei Au. Before that JR case, asphalt production plant was considered to be a use akin to concrete batching plant due to their similar impacts.

However, during the JR proceedings, it was considered that the two uses were of different nature. As a result, the Town Planning Board decided to amend all OZPs currently had provision for concrete batching plant under the Notes by changing the use from ‘Concrete Batching Plant’ to ‘Asphalt Plant/Concrete Batching Plant’.

22. Two Members were sympathetic to the application as the subject site could be made suitable for the proposed concrete batching plant use. In respect of the adverse traffic impact, the applicant should better utilize the waterfront location by using more marine transport. On the incompatibility with the adjacent recreation and tourism related uses, the applicant should consider providing suitable buffer, landscape proposals and other design measures to enhance the exterior design of the plant. Another Member considered that the applicant should also address the visual impact looking from the sea, noting that the application site was at a prominent waterfront location. Given the outstanding technical issues which had not yet been adequately addressed, these Members considered it difficult to render support for the application as submitted. Other Members agreed.

23. On the Chairperson’s question as to whether the rejection reason (a) suggested in paragraph 11.5 of the Paper should be modified, the Secretary said that Members should consider whether the proposed development under application, as submitted, would be compatible with the adjacent proposed recreation and tourism related uses or not. Members agreed that it should be one of the reasons for rejecting the application.

24. After deliberation, the Committee decided to rejected the application and the reasons were :

- (a) the development with a special mode of operation was not compatible with the adjacent proposed recreation and tourism-related uses to the north-west of the site from the land use compatibility point of view; and
- (b) the traffic impact assessment submitted was not acceptable in demonstrating that the development would not generate adverse traffic impact on the surrounding area.

[Mr. Raymond Y.M. Chan and Mr. Felix W. Fong returned to join the meeting at this point.]

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK, and Mr. P.C. Mok, STP/TWK, for their attendance to answer Members' enquiries. Ms. Chan and Mr. Mok left the meeting at this point.]

Kowloon District

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

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/K7/3 Application for Amendment to the Approved
Ho Man Tin Outline Zoning Plan No. S/K7/18
to Amend the Notes of the "Residential (Group A)" zone,
Kowloon Inland Lot 1175, Junction of Fat Kwong Street
and Chung Hau Street, Ho Man Tin
(MPC Paper No. Y/K7/3)
-

Presentation and Question Sessions

25. The Secretary said that the subject application was submitted by the Green Sense. It was scheduled for consideration by the Committee on 12.10.2007. On 13.9.2007, the applicant submitted a letter to request for a deferment of the consideration of the application mainly for the reason that another section 12A application (No. Y/K11/1) submitted by the same applicant was scheduled to be considered by the Committee on the same day, and it was difficult for the applicant to make the best preparation for both applications due to limited human resources.

26. The Secretary said that the Planning Department (PlanD) did not support the applicant's request for deferment for the following reasons :

- (a) the Town Planning Board Guidelines (TPB) No. 33 set out three criteria under which an applicant's request for deferment could be acceded to, including a need to consult other relevant Government departments, a need to provide important supplementary information, and awaiting recommendations of major Government planning-related study or infrastructure proposal. In paragraph 3.2 of the Guidelines, it was also clearly stated that non-planning related reasons should normally not be accepted; and
- (b) approval of the applicant's request in this case would set an undesirable precedent for similar requests not in compliance with the TPB Guidelines No. 33.

27. The Secretary explained that should the Committee decide not to accede to the applicant's request, the application would be considered by the Committee as scheduled on 12.10.2007.

28. In response to a Member's question, the Chairperson explained that the subject application would be considered as scheduled on 12.10.2007, should the Committee decide not to accede to the applicant's request for deferment. If the applicant failed to attend the hearing on that day, the Committee would proceed with the meeting in the absence of the applicant.

29. A Member noted that the TPB and its Committees had adopted a rather lenient approach in acceding to applicants' requests for deferment, in particular for the first request. This Member asked whether there had been any request based on reasons outside those specified in the TPB Guidelines No. 33 acceded to before. The Secretary responded that the TPB and its Committees had all along adhered to the TPB Guidelines No. 33 in considering the applicants' requests for deferment since its promulgation in 2005. Before that, there were deferment cases where the applicants needed to arrange experts from overseas to attend the TPB meetings. Strictly speaking, this reason could still meet the criteria of the Guidelines as the attendance of the overseas experts was to provide supplementary information for TPB's deliberation.

30. Referring to Appendix I of the Paper, one Member noted that the PlanD had in fact through an email provided some valid reasons for deferment to the applicant. The applicant's reason based on limited resources was not convincing and it might set an undesirable precedent. As such, this Member did not support the applicant's request for deferment.

31. A Member commented that the reasons provided by the applicant were not justified as the other application (No. Y/K11/1) was submitted to the TPB only one day after the submission of the subject application. By doing so, the applicant should know that the Committee would consider the two applications at the same meeting. Besides, it was not understandable why the applicant had enough resources to make two applications within two days, but had insufficient resources to prepare two presentations for the meeting on 12.10.2007.

Deliberation Session

32. After deliberation, the Committee decided not to agree with the applicant's request for deferment and the reasons were :

- (a) the request for deferment did not meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications Made under the Town Planning Ordinance (TPB PG-No. 33); and
- (b) approval of the request for deferral would set an undesirable precedent for similar requests not in compliance with the TPB PG-No. 33.

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K13/227 Proposed Shop and Services (Retail Shop) in
“Other Specified Uses” annotated “Business” zone,
Workshop No. 2, G/F, Kowloon Bay Industrial Centre,
15 Wang Hoi Road, Kowloon Bay
(MPC Paper No. A/K13/227)
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Presentation and Question Sessions

33. Mr. Kelvin K.W. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (retail shop) use;
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application from fire safety point of view as approval of it would result in an exceedance of the maximum permissible limit of 460m² aggregate commercial floor area on the ground floor of the subject industrial building. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kwun Tong);
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper in that the D of FS had raised objection to the proposed use from fire safety point of view.

34. Members had no question on the application.

Deliberation Session

35. After deliberation, the Committee decided to reject the application for the reason that the application was not supported from fire safety point of view.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K14/553 Proposed Shop and Services (Bank)
in “Other Specified Uses” annotated “Business” zone,
Unit A2, G/F, Block 1, Camelpaint Building,
62 Hoi Yuen Road, Kwun Tong
(MPC Paper No. A/K14/553)
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Presentation and Question Sessions

36. Mr. Kelvin K.W. Chan, STP/K, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (bank) use;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) one public comment in support of the application 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 detailed in paragraph 11.1 of the Paper.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 28.9.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire service installations to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition 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.

39. The Committee also agreed to advise the applicant :

- (a) to apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (b) to appoint an Authorised Person to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular, the separation from the adjoining premises with walls of 2-hour fire resistance period and the provision of access and facilities for the persons with disability under Building (Planning) Regulation 72;
- (c) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (d) to exercise proper care when working in the vicinity of any existing drainage in order not to disturb, interfere with or damage them. Any blockage or damage would have to be made good at his/her own cost to the satisfaction of the Director of Drainage Services; and

- (e) to strictly follow regulatory restrictions when loading/unloading activities took place to avoid interfering with the main stream traffic in particular when they were under the cumulative effects of nearby roadside activities.

[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)
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Presentation and Question Sessions

40. The application was submitted by the Korn Reach Investment Ltd. with the Greg Wong & Associates Ltd. (GWAL) as one of the consultants. The Secretary reported that Dr. Greg C.Y. Wong, being the Director of GWAL, had declared an interest in this item. The Committee noted that Dr. Greg C.Y. Wong had tendered apologies for not attending the meeting.

41. The Committee noted that the applicant on 11.9.2007 requested for a further deferment of the consideration of the application to allow more time for the applicant to prepare supplementary information to address the issues raised by the relevant Government departments.

Deliberation Session

42. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no

further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K18/245 Proposed Minor Relaxation of Building Height Restriction from 3 Storeys to 4 Storeys for Permitted University Education Use with Academic and Sports Facilities in “Government, Institution or Community” and “Road” zones, Carpark of Joint Sports Centre, 36 Renfrew Road, Kowloon Tong
(MPC Paper No. A/K18/245)
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Presentation and Question Sessions

43. The application was submitted by the Hong Kong Baptist University (HKBU), involving a site jointly owned by the HKBU, the Hong Kong Polytechnic University (HKPolyU), and the City University of Hong Kong (HKCityU). The Secretary reported that Professor Bernard V.W.F. Lim, having current business dealings with the HKPolyU, Professor Paul K.S. Lam, being a Chair Professor of the HKCityU, and Mr. K.Y. Leung, being a Part-time Lecturer of the HK PolyU, had declared interests in this item. As the applicant had requested the Committee to defer consideration of the application, Professor Lim, Professor Lam and Mr. Leung were allowed to stay in the meeting.

44. The Committee noted that the applicant on 20.9.2007 requested for a deferment of the consideration of the application to allow enough time for the applicant to address different departmental concerns.

Deliberation Session

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

months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

46. The Chairperson said that Agenda Item 6 was a confidential item and would not be open for public viewing.

Agenda Item 6

[Closed Meeting]

47. The minutes of this item were recorded under separate confidential cover.

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

Hong Kong District

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Mr. Tom C.K. Yip and Mr. C.K. Tsang, Senior Town Planners/Hong Kong (STPs/HK) were invited to the meeting at this point.]

Agenda Item 7

[Open Meeting]

Proposed Amendments to the

Draft Quarry Bay Outline Zoning Plan No. S/H21/23

(MPC Paper No. 15/07)

Presentation and Question Sessions

48. Mr. Tom C.K. Yip, STP/HK, presented the proposed amendments to the draft

Quarry Bay Outline Zoning Plan No. S/H21/23 (the OZP) as detailed in the Paper and highlighted the following points :

- (a) a triangular site bounded by Lei King Road in the east and the Island Eastern Corridor (IEC) in the west was currently zoned “Open Space” (“O”) and shown as ‘Road’ on the OZP. On 12.8.1998, the Town Planning Board approved a planning application (No. A/H21/43) for a gas offtake and governor kiosk at the site. The site was subsequently development as the Sai Wan Ho Offtake Station (SWHOS). It was proposed to rezone the site to “Government, Institution or Community” to reflect the completed development and tally with the lot boundary;
- (b) a strip of land at the kerbside of the IEC to the west of the SWHOS was currently zoned “O”. In order to reflect the as-built situation, it was proposed to rezone the land to an area shown as ‘Road’;
- (c) the Explanatory Statement (ES) would be revised to take into account the above proposed amendments to the OZP. Opportunity had also been taken to update the ES to reflect the latest status and planning circumstances;
- (d) relevant Government departments had no objection to or no adverse comment on the proposed amendments; and
- (e) since the proposed amendments were minor and technical in nature, it was considered not necessary to carry out prior public consultation. The Eastern District Council would be notified on the amendments during the exhibition period of the amended OZP.

49. Members had no question on the proposed amendments to the OZP.

Deliberation Session

50. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Quarry Bay Outline Zoning Plan No. S/H21/23 and that the Amendment Plan No. S/H21/23A (to be renumbered as S/H21/24 upon exhibition) (the Plan) at Attachment II(A) of Paper and its Notes at Attachment II(B) of the Paper were suitable for exhibition under section 7 of the pre-amended Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment II(C) of the Paper as an expression of the planning intention and objectives of the Town Planning Board for various land use zonings of the Plan; and
- (c) agree that the revised ES should be published together with the Plan.

Agenda Item 8

[Closed Meeting]

Design and Visual Treatment of the Noise Barriers for
the Proposed Residential Development in “Other Specified Uses”
annotated “Cyber-Port” zone, Cyberport Development (Sub-area 4),
Telegraph Bay, Pok Fu Lam
(MPC Paper No. 16/07)

51. The Chairperson said that Agenda Item 8 would not be open for public viewing.

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, and Mr. Tom C.K. Yip and Mr. C.K. Tsang, STPs/HK, for their attendance to answer Members’ enquires. Ms. Tse, Mr. Yip and Mr. Tsang left the meeting at this point.]

Agenda Item 9

Any Other Business

52. There being no other business, the meeting was closed at 10:30 a.m..