

**TOWN PLANNING BOARD**

**Minutes of 367th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 1.2.2008**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

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

Mr. Felix W. Fong

Professor Paul K.S. Lam

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

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. C.W. Tse

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

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

Secretary

**Absent with Apologies**

Mr. Leslie H.C. Chen

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Ms. Starry W.K. Lee

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. K.W. Ng

**Agenda Item 1**

Confirmation of the Draft Minutes of the 366th MPC Meeting held on 18.1.2008

[Open Meeting]

1. The draft minutes of the 366th MPC meeting held on 18.1.2008 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Abandoned

Town Planning Appeal No. 5 of 2007

Temporary Open Storage of Construction Materials and Machinery

for a Period of 3 Years in “Agriculture” zone, Lots 1008RP(Part), 1012,

1013, 1014(Part), 1015A, 1015B, 1015RP(Part), 1016, 1017(Part), 1018(Part),

1022RP(Part), 1023, 1024, 1026RP(Part), 1028A(Part), 1028B(Part), 1029(Part),

1030(Part), 1031, 1032, 1033, 1034(Part), 1035(Part) and 1038(Part) in DD113

and Adjoining Government Land, Kam Tin South, Yuen Long

(Application No. A/YL-KTS/385)

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2. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 23.3.2007 against the decision of the Town Planning Board on 12.1.2007 to reject on review an application (No. A/YL-KTS/385) for temporary open storage of construction materials and machinery for a period of 3 years at a site zoned “Agriculture” on the Kam Tin South Outline Zoning Plan.

3. On 7.1.2008, the appeal was abandoned by the appellant of his own accord. On 24.1.2008, the abandonment was confirmed by the TPAB in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(b) Town Planning Appeal Statistics

4. The Secretary also reported that as at 1.2.2008, 12 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	20
Dismissed	:	106
Abandoned/Withdrawn/Invalid	:	127
Yet to be Heard	:	12
Decision Outstanding	:	5
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Total	:	270

**Tsuen Wan and West Kowloon District**

[Mr. Louis K.H. Kau, 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/K3/502 Shop and Services (Retail) and Wholesale Trade  
in “Residential (Group E)” zone,  
Unit 1 (Part), G/F, Henley Industrial Centre,  
9-15 Bute Street, Mong Kok  
(KIL 3569, 3570, 3571, 3572 and 3573)  
(MPC Paper No. A/K3/502)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (retail) and wholesale trade uses;
- (c) departmental comments – 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 (Mong Kok); and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper.

6. Members had no question on the application.

#### Deliberation Session

7. 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 following conditions :

- (a) the provision of fire service installations, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 1.8.2008;
- (b) the submission of a sewerage impact assessment and implementation of the sewerage improvement and upgrading works identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) if the planning condition (a) 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.

8. The Committee also agreed to advise the applicant :
- (a) to apply to the District Lands Officer/Kowloon West of Lands Department for lease modification/waiver for the shop and services (retail) and wholesale trade uses at the subject premises;
  - (b) to consult the Chief Building Surveyor/Kowloon of Buildings Department on the fire resistance construction requirements for the application premises according to the Code of Practice for Fire Resisting Construction; and
  - (c) to note the following advice of the Commissioner for Transport :
    - (i) loading/unloading of goods vehicles on public streets, if any, should be confined to off-peak hours;
    - (ii) there should be no shop front extension beyond the building line of the application premises to minimize adverse impact to the pedestrian flow along Canton Road and Bute Street; and
    - (iii) the Commissioner for Transport had the rights to impose, alter or cancel any parking loading/unloading facilities and/or any no-stopping restrictions, etc. on Canton Road and Bute Street to cope with changing traffic conditions and needs. The applicant should not expect the Government to provide such facilities for his uses.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K5/650 Proposed Private Club and Shop and Services  
in “Comprehensive Development Area (1)” zone,  
Level 5 (Portion), 500-502 Tung Chau Street,  
Cheung Sha Wan  
(MPC Paper No. A/K5/650)
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9. The application was submitted by a subsidiary company of the Henderson Land Development Co. Ltd. (HLD). The Secretary reported that Mr. Raymond Y.M. Chan had declared an interest in the item as he had current business dealings with the HLD. The Committee noted that Mr. Chan had tendered apologies for not attending the meeting.

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

#### Presentation and Question Sessions

10. 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 private club and shop and services uses;
- (c) departmental comments – 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 (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 12 of the Paper.

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

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.2.2012, 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 a revised Master Layout Plan (MLP) for the development scheme to incorporate the approval conditions (b) to (g) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of parking and loading/unloading spaces as well as manoeuvring of vehicles to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the setting back of the existing kerb-line at Fat Tseung Street and the provision of footpaths along Fat Tseung Street, Tung Chau Street and the road along the north-western boundary of the application site to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and provision of a 13.5m carriageway along the section of Fat Tseung Street between Tung Chau Street and the southern boundary of Yee Kuk Industrial Centre to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the provision of emergency vehicular access and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB; and



- (g) the submission of an implementation programme to the satisfaction of the Director of Planning or of TPB; and

13. The Committee also agreed to advise the applicant :

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to consult the Director of Water Supplies on the interface matters with the salt-water main works;
- (c) to liaise with the District Lands Officer/Kowloon West of Lands Department regarding the application for the lease modification in relation to the provision of visitors car parking spaces and motorcycle parking spaces;
- (d) to consult the Director of Environmental Protection on the updating of the Self-Assessment Form;
- (e) to liaise with Mass Transit Railway Corporation Ltd. regarding the matters of Mass Transit Railway protection boundary;
- (f) to advise the Director of Drainage Services on the anticipated sewage discharge; and
- (g) to submit building amendment plans to the Building Authority with adequate provision of means of escape in accordance with Building (Planning ) Regulation 41(1) and Code of Practice on Means of Escape 1996 and sanitary fitments in accordance with Building (Standard of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulation 5.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K5/651 Shop and Services for a Temporary Period of 5 Years  
in “Other Specified Uses” annotated “Business” zone,  
Unit G1, G/F, Por Yen Building, 478 Castle Peak Road,  
Cheung Sha Wan  
(MPC Paper No. A/K5/651)
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Presentation and Question Sessions

14. 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 temporary shop and services uses for a period of 5 years;
- (c) departmental comments – 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 (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper;

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.2.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) provision of fire service installations in the subject premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 1.8.2008; 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.

17. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon West of Lands Department for a waiver; and
- (b) to consult the Chief Building Surveyor/Kowloon of Buildings Department on the submission of alterations and additions proposal in respect of provision of adequate means of escape, access and facilities for persons with a disability, and fire resisting constructions to separate the subject premises from other existing uses on the G/F and from the existing fireman's lift lobby on the G/F of the same building.

[The Chairperson thanked Mr. P.C. Mok, STP/TWK, for his attendance to answer Members' enquires. Mr. Mok left the meeting at this point.]

### **Kowloon District**

[Mr. C.C. Lau and Miss Helen L.M. So, Senior Town Planners/Kowloon (STPs/K), were invited to the meeting at this point.]

#### **Agenda Item 4**

##### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/K22/1                      Application for Amendment to the  
Approved Kai Tak Outline Zoning Plan No. S/K22/2  
from “Open Space” to “Government, Institution or Community”,  
31 Sung Wong Toi Road  
(MPC Paper No. Y/K22/1)

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Presentation and Question Sessions

18.            The Committee noted that the applicant on 18.1.2008 requested for a deferment of the consideration of the application to allow time for the applicant to further consult relevant Government departments to resolve outstanding issues in relation to the application.

Deliberation Session

19.            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 three 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.

**Agenda Item 5**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

(i)            A/K9/223                      Proposed Hotel (Guesthouse) cum Flat  
in “Residential (Group A)” zone,  
84-102 Wuhu Street, Hung Hom  
(MPC Paper No. A/K9/223)

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- (c) departmental comments – the Assistant Commissioner for Transport/Urban of Transport Department (AC for T/Urban of TD) noted that the proposed provision of 86 car parking spaces was on the high side of the Hong Kong Planning Standards and Guidelines (HKPSG). Considering the global parking demand in the area, an average value of the recommended range of parking space provision as stipulated in the HKPSG should be adopted (i.e. a total of 70 car parking spaces for both the residential flats and retail component). The Director of Environmental Protection (DEP) advised that he had no technical grounds to object to application. Nevertheless, from better environmental planning perspective, he was of the view that it was not appropriate to create an environmental interface problem by permitting residential development to be built within cluster of industrial developments. There were some past experiences in other planning cases in which the single aspect building or non-openable window designs were unsuccessful/unrealistic/impracticable. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of 10 public comments were received during the statutory publication periods for the application and further information. Six of them supported the application while the remaining four objected to it. The main reason for objection was the excessive proposed building height which would create “wall effect” blocking the views of ridgelines/landscape, and affecting air ventilation as well as visual permeability to the Harbour from the inner areas; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper in that the proposed development was in line with the general planning intention of the “Residential (Group E)” (“R(E)”) zone. The proposed residential and commercial development would not cause any adverse traffic and infrastructural impacts on the area. Relevant Government departments, including the District Lands Officer/Kowloon East of Lands Department, Director of Fire Services, AC for T/Urban of TD, and Chief Highway Engineer/Kowloon of Highways Department, had no objection to

the proposed road closure. The DEP advised that he had no technical ground to object the application. The proposed building height was considered acceptable as it was similar to the levels of the previously approved schemes in the locality.

23. In response to a Member's question on the proposed road closure, Miss Helen L.M. So, STP/K, confirmed that the affected area was a portion of Shung Yiu Street. It would be included in the plot ratio calculation according to the applicant's development scheme. All relevant Government departments had no objection to the proposal. In response to another Member's question on the proposed surrendering of part of the application site for footpath widening, Miss So referred Members to the applicant's letter at Appendix Ib of the Paper and Figure 7 of the Supplementary Planning Statement at Appendix Ia of the Paper for further details. In brief, a total of 210m<sup>2</sup> of the application site would be surrendered to the Government for widening the pedestrian walkway of Sze Shan Street to 3.5m.

24. Noting that the application site was near the waterfront, one Member enquired whether the PlanD had any building height concept for the future developments in the area. Referring to Plan A-3 of the Paper, Miss Helen L.M. So responded that the building heights of the previous planning approvals for several "R(E)" zones in the area were between 102.5mPD and 149.85mPD. The level of the proposed development under application was 148.92mPD which was within this range. Up till now, there was no building height restriction for the "R(E)" zone under the Cha Kwo Ling, Yau Tong, Lei Yuen Mun Outline Zoning Plan.

25. Noting that the application site had an area of 5200m<sup>2</sup> and was elongated in shape, a Member was concerned about the possible "wall effect" created by the proposed development. Referring Members to Drawing A-1 of the Paper, Miss Helen L.M. So explained the disposition of the residential blocks, which were clustered at the middle of the site.

26. Noting that the two proposed residential blocks were very close to one another, another Member asked whether it was due to environmental reasons, and whether the applicant had undertaken any airflow assessment. This Member shared the views expressed by the DEP, in that while the proposed development was in line with the planning intention of “R(E)” zone and there was no technical ground to object it from environmental viewpoint, there was still a concern from the environmental planning perspective as an approval of the application would create an industrial/residential interface problem by permitting residential development to be built within a cluster of industrial development. In response, Miss Helen L.M. So said that the applicant had neither submitted any air ventilation assessment (AVA) nor provided any reason on why the two proposed blocks were so close to one another. She agreed that the disposition and layout of the proposed residential blocks were not of typical design in Hong Kong. Referring to Drawing A-7 of the Paper, she pointed out that blank walls were proposed on the facades immediately facing existing industrial buildings, and there would not be many openable windows for the whole development.

27. Noting that there were already two unsuccessful examples of single aspect building/non-openable window design in Sham Tseng and Tsing Yi and that the Government had recently launched a public consultation on a Proposal on the Mandatory Implementation of the Building Energy Codes, a Member cast doubts on whether the proposed development could meet the relevant Government requirements in the lighting aspect. The Chairperson commented that the Chief Building Surveyor/Kowloon of Buildings Department had no in-principle objection to application.

28. In response to Members’ views and comments, Mr. C.W. Tse explained that the DEP considered applicant’s environment assessment acceptable in technical terms. On the air quality aspect, the two proposed residential blocks were in the middle of the application site, possibly due to the chimneys nearby. On the noise aspect, the proposed blocks adopted single aspect building design with blank walls facing industrial noise source. Nevertheless, from environmental planning perspective, approving the application would create industrial/residential interface problem.



Deliberation Session

29. The Chairperson said that the “R(E)” zone in the Yau Tong Industrial Area (YTIA) was to encourage the phasing out of the non-conforming industrial uses. In the long run, it was intended to develop the whole area into a residential area. During the transitional period, any residential development within the “R(E)” zone would require planning approval from the Town Planning Board to ensure that the development would be environmentally acceptable and the industrial/residential interface issue had been fully addressed.

30. Members had the following views on the application :

- (a) the applicant had not undertaken any assessment to justify the short distance between the two proposed residential blocks. There was a worry that these two blocks would result in a “wall effect” which in turn would affect the dispersion of air pollutants as well as the air ventilation of the whole YTIA;
- (b) referring to Drawing A-7 of the Paper, one Member noted that blank walls were mainly proposed for the eastern facades of the building blocks facing Sam Ka Tsuen Recreation Ground and Yau Tong Centre. Another Member noted that while there should be seaview when looking northwest and west from the application site, these two directions were also facing the sources of environmental nuisances;
- (c) at present, Shung Yiu Street provided a separation between the application site and the industrial buildings to its northwest. The proposed road closure would in effect eliminate this buffer. As shown on the photo in Plan A-4 of the Paper, chimneys were found on the rooftop of one of these industrial building (i.e. Well Town Industrial Building). In view of this, some Members considered that Shung Yiu Street should be retained to serve as a buffer, noting that the concerned area covered a significant portion of the application site, which in effect would have implications on the gross floor area (GFA) and layout of the proposed development; and

- (d) some Members also expressed concerns over the building height. The proposed building height of 148.92mPD was considered high in the local context. This, coupled with the previous approvals for other “R(E)” sites at Cho Yuen Street and Shung Shun Street, would have adverse visual impact on Sam Ka Tsuen Recreation Ground which as a result would be surrounded by high-rise residential developments. Since the application site was near the waterfront, it was more appropriate to adopt a stepped building height profile for the future developments in the area. A Member considered that even though the building height of the proposed development would be similar to those of previous approved applications in the area, this did not mean that the building height of the subject application would be acceptable. Each case should be considered on its merits having regard to its specific site consideration.

31. Mr. C.W. Tse said that the DEP agreed in-principle to phase out the industrial uses within the YTIA. Single aspect building design and the dispositioning of the blocks in the middle part of the site were probably proposed to address the potential air pollution problem generated by the surrounding industrial buildings. Unfortunately, such a building design and dispositioning might adversely affect the air ventilation of the area. In view of this, some Members considered that the applicant should be requested to undertake an AVA for the proposed development.

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

32. Upon request by the Chairperson, Mr. James Merritt explained the procedures for implementing the proposed road closure, if the subject application was approved. In general, the plan and scheme for the works in relation to the proposed road closure would be published in the Government Gazette under the Roads (Works, Use and Compensation) Ordinance. Any person wished to object to the works might address the objection to the Secretary for Transport and Housing. The gazetted plan and scheme together any objection lodged would subsequently be submitted to the Chief Executive in Council for authorization. One Member indicated that the proposed road closure for the subject application would be acceptable if the overall streetscape of both Sze Shan Street and Shung Yiu Street could be improved and upgraded.

33. The Secretary said that the planning intention of the “R(E)” zone in the YTIA was to encourage the phasing out of non-confirming industrial uses in the area. Given such an intention, it would be difficult to reject the subject application if the DEP was satisfied that the proposed development could meet the environmental standards and requirements. In this respect, though the DEP considered that the applicant’s environmental assessment was acceptable on the technical grounds, the DEP was not entirely satisfied with the proposed development as it would result in a residential development in the midst of industrial developments which were yet to be phased out. Also, apart from environmental aspect, there were also concerns on air ventilation and building height and disposition of the proposed development. Regarding the proposed road closure, the Secretary noted that the concerned area, constituting about one third of the proposed GFA permitted for the development, would have significant implications on the height and bulk of the proposed development. She suggested and Members agreed that the District Planning Officer (DPO) be asked to prepare some notional development schemes to facilitate the Committee’s deliberation on an appropriate GFA for the application. In addition, Members agreed that the DPO should also be asked to take a further look at the appropriate building height for the development, taking into account the review of building height restrictions for the YTIA.

34. After some discussions, the Chairperson concluded that the application should be rejected. As for the reasons for rejection, the Committee considered that design, disposition and height of the proposed development should also be included as one of the reasons for rejection.

35. After deliberation, the Committee decided to reject the application for the following reasons :

- (a) the layout, design, disposition and height of the proposed development were considered inappropriate in the local context; and
- (b) there was insufficient information in the submission to demonstrate that proposed development would not result in adverse air ventilation and visual impacts on the area.

[Mr. Stanley Y.F. Wong and Mr. C.W. Tse left the meeting temporarily at this point.]



38. 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 following Members had declared interests in this item :

Professor Bernard V.W.F. Lim	- having current business dealing with the HKPolyU
Ms. Maggie M.K. Chan	- being a Council Member of the HKCityU
Mr. Raymond Y.M. Chan	- being a Member of Divisional Advisory Committee, Divisional of Building Science and Technology of the HKCityU
Professor Paul K.S. Lam	- being a Chair Professor of the HKCityU
Mr. K.Y. Leung	- being a Part-time Lecturer of the HKPolyU

39. The Committee noted that Professor Bernard V.W.F. Lim had already left the meeting, and Ms. Maggie M.K. Chan, Mr. Raymond Y.M. Chan and Mr. K.Y. Leung had tendered apologies for being unable to attend the meeting.

[Professor Paul K.S. Lam left the meeting temporarily at this point. Mr. C.W. Tse returned to join the meeting at this point.]

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 3 storeys to 4 storeys for permitted university education use with academic and sports facilities, and car park;

[Mr. Felix W. Fong arrived to join the meeting at this point. Mr. Stanley Y.F. Wong returned to join the meeting at this point.]

- (c) departmental comments – 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 (Kowloon City); and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper in that the planning intention of the provision for minor relaxation of building height restriction under the concerned “Government, Institution or Community (2)” (“G/IC(2)”) zone was to encourage the provision of carpark, plant rooms and other ancillary uses in the form of basement so as to ensure that the developments were in keeping with the unique character of Kowloon Tong. Apart from cost, the applicant provided no strong justification on why the provision of carpark should be on the ground level. There was still scope to lower the building height of the proposed development, and there was no planning merit in approving the application as the 25m overall height of the proposed development would be higher than the adjacent spectator stand of about 12.9m high within the same “G/IC(2)” zone. The campus of the HKBU had an area of about 5.3ha. There might be scope to absorb some of the uses in the proposed development within the existing campus or other part(s) of the Joint Sports Centre (JSC). The approval of the application would set an undesirable precedent for similar applications for relaxation of building height restriction to accommodate carpark on or above ground in the Kowloon Tong area, the cumulative effect of which would adversely affect the existing building height profile of the area.

41. In response to a Member's question, Mr. C.C. Lau, STP/K, said that the applicant did not provide any details of the additional management and maintenance cost to be incurred for the provision of the carpark on basement floor(s). In response to another Member's question, Mr. Lau referred Members to a site photo showing the existing vehicular entrance of the JSC at Baptist University Road, and explained that the site formation level of the application site was about 5.5m higher than the street level of Baptist University Road. As such, any provision of basement floor for the proposed development should be at similar level of Baptist University Road. So far, the applicant had submitted no assessment on whether the excavation works for a basement within the application site would adversely affect the Mass Transit Railway tunnel and/or facilities currently existed underground.

42. The Chairperson pointed out that although the application site fell within the MTR railway protection zone, excavation works might be permitted, provided that the applicant had consulted the Mass Transit Railway Corporation Ltd. (MTRCL) on full details and complied with all the MTRCL's requirements in respect of the operation and safety of the railway line.

#### Deliberation Session

43. After deliberation, the Committee decided to reject the application for the following reasons :

- (a) given that basement floor(s) was(were) excluded in determining the maximum building height restriction if the subject "Government, Institution or Community (2)" zone, there were no strong justifications in the submission for the relaxation of building height restriction for the proposed development as there was scope to provide the carpark in the basement;
- (b) there were insufficient planning and design merits in the submission to justify the relaxation of the building height restriction for the proposed development; and

- (c) the approval of the application would set an undesirable precedent for other similar applications for relaxation of building height restriction.

[Dr. Greg C.Y. Wong and Professor Paul K.S. Lam returned to join the meeting at this point.]

### **Agenda Item 6**

[Closed Meeting]

Request for Amendment to the

Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/15

from “Comprehensive Development Area” to “Residential (Group E)”,

Yau Tong Inland Lots 4B and 9 and Yau Tong Marine Lot 57

(MPC Paper No. 9/08)

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### **Remarks**

44. The Chairperson said the item was a closed item and would not be open for public viewing as it was related to a rezoning request submitted before the implementation of the Town Planning (Amendment) Ordinance 2004.

[Mr. Anthony K.C. Loo left the meeting temporarily at this point.]

[The Chairperson thanked Mr. C.C. Lau and Miss Helen L.M. So, STPs/K, for their attendance to answer Members’ enquires. Mr. Lau and Miss So left the meeting at this point.]

[Mr. Anthony K.C. Loo returned to join the meeting at this point. Dr. Daniel B.M. To left the meeting temporarily at this point.]





unsatisfactory parking/traffic arrangements of the proposed development, potential “wall effect”, and commercialization of the area affecting the living quality of local residents; and

- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 10 of the Paper. In the consideration of previous rejected application No. A/H3/376 which was also for proposed hotel development on the same site, Members were of the view that the application site was not totally unsuitable for hotel development. Compared with that previous application, the development intensity of the proposed hotel under the subject application had been reduced to a scale considered not unacceptable in the local context. Relevant Government departments had no objection to or no adverse comment on the application from traffic, environmental and urban design perspectives.

46. Members had no question on the application.

#### Deliberation Session

47. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.2.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment and implementation of the sewerage upgrading/sewerage connection works identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and

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

48. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development as well as 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 TPB might be required;
- (b) to note the comments of the Director of Lands regarding lease modification for removal of “victualler” and “tavern keeper” of the offensive trade clause and the imposition of restrictions should modification be granted;
- (c) to note the comments of the Chief Officer of the Licensing Authority regarding licensing application and requirements;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong West of Buildings Department regarding hotel concessions, design of the fireman’s lift, provision of means of escape and a service lane;
- (e) to note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue;
- (f) to resolve any land issue relating to the development with other concerned owners of the application site; and

- (g) to prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for the implementation of any required sewerage works.

[The Chairperson thanked Ms. Lily Y.M. Yam, STP/HK, for her attendance to answer Members' enquires. Ms. Yam left the meeting at this point.]

[Mr. Tom C.K. Yip, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii)           A/H7/147                      Renewal of Planning Approval for Temporary Private Club  
(Recreation Facilities) Use under Application No. A/H7/139  
for a Period of 5 Years until 1.5.2013  
in "Residential (Group C)1" zone,  
IL 3054, 48 Shan Kwong Road, Happy Valley  
(MPC Paper No. A/H7/147)
- 

49.           The application was submitted by the Hong Kong Jockey Club (HKJC). Professor N.K. Leung, Mr. Stanley Y.F. Wong, Ms. Sylvia S.F. Yau, Mr. Walter K.L. Chan and Mr. Felix W. Fong had declared interests in the item as they were ordinary members of the HKJC. The Secretary said that based on the guidelines in the Town Planner Board Procedure and Practice, only the executive members of HKJC should be regarded as having direct and substantial interests in the item, and required to leave the meeting during the discussion and determination of the item. For the ordinary members, they should be allowed to stay at the meeting, after declaring interests. The Chairperson added that a similar practice was also adopted in the considerations of the previous applications submitted by the same applicant. Members agreed.

#### Presentation and Question Sessions

50.           Mr. Tom C.K. Yip, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

[Mr. Walter K.L. Chan left the meeting temporarily at this point.]

- (b) the proposed renewal of planning approval for temporary ‘private club (recreation facilities)’ use under application No. A/H7/139 for a period of 5 years;
- (c) departmental comments – 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 (Wan Chai); and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 10 of the Paper.

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

51. Members had no question on the application.

#### Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.5.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

53. The Committee also agreed to advise the applicant :

- (a) that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue administered by the Buildings Department; and
- (b) to note the Chief Building Surveyor/Hong Kong West of Buildings Department's comments in paragraph 8.1.2(b) of the Paper.

[The Chairperson thanked Mr. Tom C.K. Yip, STP/HK, for his attendance to answer Members' enquires. Mr. Yip left the meeting at this point.]

[Ms. Donna Y.P. Tam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H5/366 Proposed Eating Place/Shop and Services  
in "Open Space" zone,  
23/F and 25/F to 27/F, 196-206 Queen's Road East,  
Wan Chai  
(MPC Paper No. A/H5/366)
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54. The application was submitted by a subsidiary of Hopewell Holdings Ltd. (HH). The Secretary reported that Mr. Felix W. Fong had declared interests in the item as they had current business dealings with the HH.

[Mr. Felix W. Fong left the meeting temporarily at this point.]

55. Members noted that there was a Supplementary Paper on the applicant's further information made on 25.1.2008 in respect of the responses to the comments on the application made by relevant Government departments, in particular of the Commissioner of Police (C of P).

Presentation and Question Sessions

56. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place/shop and services uses;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the C of P who objected to the application as he noticed that the building owner intended to convert the whole subject building into entertainment venues. Based on similar kind of conversions previously undertaken in the Wan Chai district, there were always insufficient facilities such as lifts, emergency staircases, storerooms and toilet facilities to cater for the entertainment uses. As a result, staircases were usually used as storage areas, causing frequent obstruction and hazards in the event of fire. Besides, the conflicts among customers had always resulted in violence, and the gathering of drunken patrons outside these buildings had frequently led to complaints of noise nuisance throughout the night. For the subject building, each floor had an area of over 3000ft<sup>2</sup>, but there were only two relatively small lifts. The applicant's justification of insufficient shops and services to cater for the building occupants and nearby residents was not strong as a total of eight floors of the subject building had obtained relevant planning approvals for such uses. In order to prevent any further deterioration in the law and order situation in and around the subject building, the C of P indicated that he would object to any issue of liquor licence for the building.

- (d) no public comment was received during the statutory publication period, but the District Officer (Wan Chai) advised that the Wan Chai District Council members had been very concerned about the proliferation of “upstairs” restaurants and bars in commercial buildings as it had resulted in many problems like traffic, public safety and nuisance to the residents nearby; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper in that the proposed uses were not incompatible with the retail and office uses in the same building. The proposed uses would also not generate any adverse impact on the surrounding area, and relevant Government departments had no adverse comments on the application. Entertainment uses such as karaoke lounge should be a kind of ‘Place of Entertainment’ requiring separate planning application to the Town Planning Board. The issue of liquor licences would be subject to the licensing control by relevant authority. The provision of facilities for the applied uses within the building would be subject to relevant building and fire safety regulations, while the Chief Building Surveyor/Hong Kong East of Buildings Department and Director of Fire Services had no adverse comments on the application on these two aspects.

57. Members had no question on the application.

#### Deliberation Session

58. Referring to the C of P’s comments on the application stated in the Paper and the Supplementary Paper, a Member said that both the police and local residents had grave concerns about the conversions of upper floors of the buildings in Wan Chai into eating places and entertainment venues, although the problem should be less serious in commercial buildings than that in buildings with mixed commercial and residential uses. The police was of the view that should the converted premises be used for business selling liquor (such as bars and karaoke lounges), it might easily become the bedding ground for crime. The Chairperson clarified that the issue of liquor licences was under the jurisdiction of the Liquor



Licensing Board. In response to a question raised by the same Member, Ms. Donna P.Y. Tam, STP/HK, said that ‘Private Club’ within the subject building should be regarded as a separate use requiring another planning permission from the Town Planning Board (TPB).

59. In response to another Member’s question, Ms. Donna Y.P. Tam said that based on PlanD’s findings on a review of all unimplemented “Open Space” zones under the Wan Chai Outline Zoning Plan, the TPB had already rezoned most of the sites involving private land into other zonings. The outstanding two to three sites were directly or indirectly related to the Mega Tower case (including the site of the subject application). These sites were already on the list for the next round review which would be undertaken in the near future.

60. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.2.2012, 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 condition that the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

[Open Meeting (Presentation and Question Sessions Only)]

(iv)	A/H24/11	Proposed Bank (Automatic Teller Machine) in “Other Specified Uses” annotated “Pier and Associated Facilities” zone, Upper Deck, Central Pier 7 (MPC Paper No. A/H24/11)
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61. The application was submitted by a subsidiary of Wharf (Holdings) Ltd. (WH). The Secretary reported that Dr. Greg C.Y. Wong had declared interests in the item as they had current business dealings with the WH.

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

### Presentation and Question Sessions

62. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed bank (automatic teller machine) use;
- (c) departmental comments – 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 (Central and Western); and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 10 of the Paper.

63. Members had no question on the application.

### Deliberation Session

64. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.2.2012, 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.

65. The Committee also agreed to advise the applicant should obtain approval from the Secretary for Development for the bank use under the Franchise Agreement.

[Dr. Greg C.Y. Wong and Dr. Daniel B.M. To returned to join the meeting at this point.]

**Agenda Item 8**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/6-3                      Extension of Time for Compliance with Condition (c) for the  
Approved Temporary Exhibition Hall for Motor Vehicles  
for a Period of 3 Years under Application No. A/H25/6  
for a Further 6 Months up to 3.8.2008 in “Open Space” zone,  
Basement Level B1 of the Car Park Complex,  
Hong Kong Convention and Exhibition Centre,  
1 Harbour Road, Wan Chai  
(MPC Paper No A/H25/6-3)

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**Presentation and Question Sessions**

66.            Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed extension of time for compliance with approval condition (c) of the approved temporary exhibition hall for motor vehicles under Application No. A/H25/6 for a further 6 months up to 3.8.2008;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) the District Officer (Wan Chai) advised that concerned management companies, owners’ committees/management committees and local personalities had been consulted on the application. A total of three comments were received. Two supported the application. The remaining one objected to it without giving any reason; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 8 of the Paper in that there were no adverse planning implications arising from the proposed extension of time. The applicant claimed that a specialist consultant had been employed to redesign the scheme and a fire engineering solution had been identified to significantly reduce the impact on the parking spaces on the remaining floors, while meeting the fire safety requirements. The general building plan for the alteration and addition works had just been submitted. Relevant Government departments including the Chief Building Surveyor/Hong Kong East of Buildings Department and the Director of Fire Services had no comment on the application. Nevertheless, since the subject application was for the third extension of time, the applicant should be advised strongly that it had to comply with the approval condition (c) within the 6-month extension period, and no further extension would be given.

67. Members had no question on the application.

#### Deliberation Session

68. One Member had reservation on approving the application for the reasons that a total of 15 months had been given to comply with the concerned condition; the applicant had in the subject application used similar justifications which were used in previous two applications for extension of time; and during the consideration of the last application for extension of time (No. A/H25/6-2), the Committee had already indicated that no further extension of time would be granted. Noting that the concerned exhibition hall for motor vehicles was still operating, one Member was concerned about the fire safety aspect of the temporary exhibition hall under application.

69. The Secretary said that the concerned exhibition hall for motor vehicles at the application premises had obtained a temporary waiver from the Lands Department. Should the subject application be rejected, this temporary waiver would not be renewed. Referring to the approval letter for the last application for extension of time (No. A/H25/6-2) at

Appendix V of the Paper, the Secretary pointed out that the applicant had not been clearly informed that no further extension of time would be granted.

70. Members agreed that this should be the last extension of time for the compliance of approved condition (c).

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

- (a) no motor shows or car fairs or any related events should be undertaken at the subject premises;
- (b) the provision of means of escape to the satisfaction of the Director of Buildings or of the TPB;
- (c) the provision of fire service installations and submission of documentary proof to indicate that the fire safety requirements, so endorsed, were fulfilled within 21 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2008; and
- (d) if the planning condition (c) above was not complied by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) the operators should switch on vehicle engines only when necessary and switch off the engines immediate after use to minimize air pollutants in the subject premises;
- (b) reference should be made to the Practice Note on “Control of Air Pollution in Car Park” (ProPECC No. 2/96), which was available at the Environmental Protection Department’s website. The Practice Note provided information on air quality in car parks; and

- (c) the applicant should comply with planning condition (c) within the 6-month extension period. This was the last extension of time for the compliance this planning condition, and no further extension of time would be granted.

[The Chairperson thanked Ms. Donna Y.P. Tam, STP/HK, for her attendance to answer Members' enquires. Ms. Tam left the meeting at this point.]

### **Agenda Item 9**

#### **Any Other Business**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/224-1            Extension of Time for Compliance with Condition (a)  
for the Approved Shop and Services (Jewellery Showroom) under  
Application No. A/H15/224 for a 6 months up to 27.7.2008  
in "Other Specified Uses" annotated "Business 1" zone,  
Unit B (Part), 1/F, Shui Ki Industrial Building,  
18 Wong Chuk Hang Road, Aberdeen  
(MPC Paper No. A/H15/224-1)

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#### **Presentation and Question Sessions**

73.            The Secretary reported that an application for extension of time for compliance with approval condition (a) under application No. A/H15/224 was received on 25.1.2008. Since the applicant failed to comply with that condition by the expiry date on 27.1.2008 and the concerned planning permission was already revoked on the same day, the subject application could not be considered as the concerned planning permission no longer existed at the time of consideration by the Committee.

#### **Deliberation Session**

74.            After deliberation, the Committee agreed that the subject application for extension of time could not be considered for reason that the time limit for compliance with approval condition (a) had already expired on 27.1.2008, and the planning approval for the

subject application had ceased to have effect and had on the same date been revoked. The Committee could not consider the subject application as the planning permission no longer existed at the time of consideration.

75. There being no other business, the meeting was closed at 11:20 a.m..