

## **TOWN PLANNING BOARD**

### **Minutes of 376th Meeting of the Metro Planning Committee held at 9:00 a.m. on 4.7.2008**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

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

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

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

Secretary

**Absent with Apologies**

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Mr. Felix W. Fong

Mr. Raymond Y.M. Chan

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Dr. Ellen Y.Y. Lau

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Ms. Karina W.M. Mok

[Open Meeting]

1. The Chairperson and Members congratulated Dr. Michael Chiu for being awarded the Bronze Bauhinia Star as well as Professor Bernard V.M.F. Lim, Professor Paul K.S. Lam and Mr. David W.M. Chan for being appointed as the Justice of Peace on 1.7.2008 in recognition of their contribution to the community.

**Agenda Item 1**

Confirmation of the Draft Minutes of the 375th MPC Meeting held on 20.6.2008

[Open Meeting]

2. The draft minutes of the 375th MPC meeting held on 20.6.2008 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

[Miss Erica S.M. Wong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

**Agenda Item 3**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/397                      Shop and Services (Fast Food Shop)  
   in “Industrial” zone,  
   Shop B, G/F, Hale Weal Industrial Building,  
   22-28 Tai Chung Road, Tsuen Wan  
   (MPC Paper No. A/TW/397)

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Presentation and Question Sessions

4.                      Miss Erica S.M. Wong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a)      background to the application;
- (b)      the shop and services (fast food shop) use;

[Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

- (c)      departmental comments – concerned Government departments, including the Director of Fire Services (D of FS), had no objection to or adverse comments on the application. D of FS advised that the applied use was not countable for the maximum permissible commercial floor area limit of 460m<sup>2</sup> for the subject industrial building;
- (d)      during the statutory publication period, one public comment was received which had no comment on the application; and

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

- (e)      the Planning Department (PlanD)’s views – PlanD had no objection to approving the application on a temporary basis for a period of 3 years for the reasons as detailed in paragraph 11 of the Paper. The applied use was small in scale, providing supporting services to workers in the vicinity. It was not incompatible with the existing uses of the subject building and

would unlikely generate adverse traffic or environmental impacts. Separate means of escape was available for the application premises. Approving the application on a temporary basis would not jeopardize the long-term planning intention of the subject “Industrial” zone.

5. Members had no question on the application.

#### Deliberation Session

6. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2009; 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.

7. The Committee also agreed to advise the applicant of the following :

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a temporary waiver to permit the applied use at the subject premises;
- (b) to consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans in respect of separation of the application premises from the remaining portion of the subject industrial building by proper fire resisting construction;
- (c) to consult the Director of Food and Environmental Hygiene regarding the application for food business licence; and

- (d) to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application premises.

[The Chairperson thanked Miss Erica S.M. Wong, STP/TWK, for her attendance to answer Members' enquiries. Miss Wong left the meeting at this point.]

### **Hong Kong District**

[Ms. Amy Y.M. Cheung and Ms. Donna Y.P. Tam, Senior Town Planners/Hong Kong (STPs/HK), were invited to the meeting at this point.]

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/229                      Shop and Services (Retail Shop)  
in "Other Specified Uses" annotated "Business(2)" zone,  
G/F, Woo Kai Lea Industrial Building,  
23 Wong Chuk Hang Road, Aberdeen  
(MPC Paper No. A/H15/229)

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

8. Ms. Amy Y.M. Cheung, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (retail shop) use;
- (c) departmental comments – concerned Government departments, including the Director of Fire Services (D of FS), had no objection to or adverse

comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Southern); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. The shop and services use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone and complied with the requirements set out in the Town Planning Board Guidelines No. 22D for “Development within “OU(Business)” zone”. The subject industrial building, including the application premises, was currently vacant. The proposed use was not incompatible with the surrounding developments. It would have no adverse fire safety and traffic impacts and unlikely generate pollution and environmental nuisances.

9. Members had no question on the application.

#### Deliberation Session

10. In response to the Chairperson's enquiry, Ms. Amy Y.M. Cheung replied that no information on the type of retail use to be operated at the application premises was given in the applicant's submission.

11. 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 4.7.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of a means of escape and 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.

12. The Committee also agreed to advise the applicant of the following :

- (a) to apply to the District Lands Officer/Hong Kong West and South, Lands Department for a temporary waiver for the proposed use under application;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department regarding the compliance with the provision of exits, fire safety requirements and disability facilities at the building plan submission stage ; and
- (c) to note the comments of the Director of Fire Services regarding the compliance with the requirements as stipulated in the Code of Practice for Fire Resisting Construction.

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

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H24/12                      Proposed Exhibition Hall (Exhibition and Related Uses)  
in "Other Specified Uses" annotated "Pier and Associated Facilities"  
and "Open Space" zones,  
Ground Floor (Portion) of Central Terminal Building,  
Central Piers 7 and 8, Central  
(MPC Paper No. A/H24/12)

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Presentation and Question Sessions

13. Ms. Donna Y.P. Tam, STP/HK, said that a replacement page 14 had been tabled at the meeting for Members' consideration. Ms. Tam then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the subject "Other Specified Uses" ("OU") annotated "Pier and Associated Facilities" zone was the subject of three previous approved applications (No. A/H24/7, A/H24/9 and A/H24/11) submitted by the same applicant as detailed in paragraph 4 and Appendix II of the Paper;

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

- (b) the proposed exhibition hall (exhibition and related uses);
- (c) the departmental comments were highlighted as per paragraph 8 of the Paper. In brief, the Assistant Commissioner/Management and Paratransit, Transport Department supported the application as it could help generating non-fare box revenue to cross-subsidize the ferry operation, thereby relieving the pressure for fare increase. The proposed use would unlikely affect the passenger flow and ferry operation. The Chief Town Planner/Special Duties, Planning Department (PlanD) did not support the application as the proposed use was not in line with the planning intention of the "Open Space" ("O") zone and would result in a reduction of open space area. The pedestrian access along the waterfront promenade and visual corridor to the harbour would also be affected. The Chief Town Planner/Urban Design and Landscape, PlanD objected to the proposed use that fell within the "O" zone as the launching of exhibitions might jeopardize the use of the concerned "O" site as a public open space for public enjoyment. There was also reservation for the proposed use that fell within the "OU" annotated "Pier and Associated Facilities" zone as the ground floor of the Central Terminal Building was a key pedestrian passage linking up the surrounding open spaces and the proposed use might induce

inconvenience or restrict pedestrian access. In the applicant's submission under Application No. A/H24/7, the ground floor of the Central Terminal Building would be used as a landscaped area for public access and enjoyment. The Director of Leisure and Cultural Services also had reservation on the application as it deviated from such original intention. The District Lands Officer/Hong Kong West and South, Lands Department commented that access to the existing pump house and associated facilities within the application premises should not be affected. The Director of Information Services (DIS) objected to the application as the public view of the proposed poster panels to be set up on two blank walls outside the machine rooms on the ground floor of the Central Terminal Building would be obstructed. Other concerned Government departments/bureaux had no objection to or adverse comments on the application;

- (d) 4 public comments were received during the statutory publication period. One supported the application as the application premises could be used as a permanent exhibition venue for displaying the Hong Kong history to local/overseas tourists. Two raised objection to the application mainly on the grounds that the right of access to the underground pump house and associated facilities within the application premises, vantage point for viewing the harbour and pedestrian passage would be affected. The remaining one commented that the potential impacts on pedestrian circulation and loading/unloading area should be considered. The District Officer (Central and Western) had no objection to the application provided that the area earmarked for the landscaped area as shown in the applicant's submission under Application No. A/H24/7 would not be affected; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 10 of the Paper. Central Piers 7 and 8 as well as the Central Terminal Building were designed to be a landmark and a major tourist attraction at the new Central waterfront. The planning intention of the concerned "OU" annotated "Pier and Associated Facilities" zone stated, inter alia, that the area below the elevated structure would be retained as open space to facilitate easy

access for future maintenance of the underground pump house and to provide visual access to the harbourfront. The “OU” site was a key pedestrian passage linking up the surrounding open spaces including the small “O” site under application. The application premises thus formed an integral part of the adjoining open spaces and the waterfront promenade. While the proposed use would add vibrancy to the harbourfront, it would reduce the open space for public enjoyment of the harbourfront. The applicant had not provided sufficient information to demonstrate that the proposed use would have no adverse impacts on the physical/visual access to the harbour, the maintenance of the existing pump house and associated facilities within the application premises, and how the proposed landscaped area under the previous approved scheme (No. A/H24/7) could be provided together with the proposed use. Besides, the ISD had raised concerns on the potential impact of the proposed use on the planned Government advertisement areas within the application premises.

14. In response to the Chairperson’s enquiries, Ms. Donna Y.P. Tam said that the structures located on the ground floor of the Central Terminal Building as shown on Plan A-4 of the Paper were two vent shafts of the underground pump house. With the aid of a diagram, the location of the proposed landscaped area as shown in the applicant’s submission under Application No. A/H24/7 was shown.

#### Deliberation Session

15. While the cross-subsidization of franchised ferry services through non-fare box revenue was a transport policy matter, the Chairperson remarked that part of the application premises would encroach onto the “O” zone which was intended to provide an attractive setting for civic events and land for both active and passive recreational activities.

16. A Member said that planning permissions for various commercial uses within the subject “OU” annotated “Pier and Associated Facilities” zone had already been granted by the Committee under three previous approved applications. Another Member said that although the application premises might not be heavily used by the public at present, its usage and pedestrian flow would likely increase upon the completion of the adjacent Central

reclamation. There was thus concern on the potential impact of the proposed use on the pedestrian passage.

17. A Member enquired if planning permission would be required for temporary exhibition of art and crafts at the application premises, which would not involve the setting up of temporary structures such as booths that would block pedestrian passage during the exhibition periods. This could provide an exhibition venue for artists while enhancing the attractiveness and liveliness of the application premises. Ms. Donna Y.P. Tam replied that small-scale ad hoc temporary display without affecting public usage could be permitted. The Chairperson reiterated that no temporary uses should encroach onto the “O” zone and affect the pedestrian passage. To make the portion of the “O” zone that fell within the application premises more accessible and better utilized by the public, the same Member suggested to provide a staircase leading directly from the concerned “O” site to the waterfront promenade. Other Members agreed with the view. The Chairperson requested the Secretariat to relay the Members’ suggestion to relevant Government departments for consideration.

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

- (a) the proposed exhibition use was not in line with the planning intention of the “Open Space” zone as it would result in a reduction of open space for public enjoyment of the harbourfront. It would also affect pedestrian access to view the harbour. There was insufficient information in the applicant’s submission to demonstrate that the proposed use would have no adverse impacts on the physical and visual access to the harbour; and
- (b) there was insufficient information in the applicant’s submission to demonstrate that the proposed exhibition use would have no impact on the maintenance of the existing pump house and associated facilities within the application premises.

**Agenda Item 6**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/371                Proposed Massage Establishment  
                              in “Residential (Group A)” zone,  
                              Shop 3, 1/F, Tower 2 StarCrest,  
                              9 Star Street, Wan Chai  
  
                              (MPC Paper No. A/H5/371)

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19.                The Chairperson said that Raymond Chan Surveyors Ltd. was the applicant’s representative of this item. Mr. Raymond Y.M. Chan, being the Director of Raymond Chan Surveyors Ltd., had declared an interest in this item. The Committee noted that Mr. Chan had tendered his apology for being unable to attend the meeting.

Presentation and Question Sessions

20.                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 massage establishment use, highlighting that its own entrances would be at Wing Fung Street whereas the separate entrance serving the residential portion of the building was at Star Street;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period. The commenter had no objection to the proposed use, but objected to the proposed design of the façade decoration of the proposed massage establishment which was unnecessarily large. While having no objection to the application, the District Officer (Wan Chai) commented that the locals were concerned about the potential traffic and security problems

generated by the proposed use; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. The proposed use complied with the requirements set out in the Town Planning Board Guidelines No. 14B for “Application for Commercial Bathhouse and Massage Establishment under section 16 of the Town Planning Ordinance”. It was located within the non-domestic portion of an existing composite commercial/residential building with its own entrances which were separated from the one serving the residential portion of the subject building. As such, it would unlikely cause inconvenience and nuisances to the local residents. Relevant Government departments, including the Director of Fire Services and Chief Building Surveyor/Hong Kong East, Buildings Department, had no objection to or adverse comments on the application. To ensure compliance with the fire safety requirements, an approval condition on the provision of fire service installations was suggested. As regards the local concerns on traffic and security problems, the Assistant Commissioner for Transport/Urban, Transport Department and the Commissioner of Police (C of P) had no comments on the application. Besides, the C of P would monitor the public law and order through the massage establishment licensing system. As regards the public comment, the commenter raised no objection to the proposed use.

21. Noting the commenter's concerns as stated in paragraph 20(d) above, a Member enquired if the applicant had provided the proposed design and/or size of the façade decoration of the proposed massage establishment in its submission. Ms. Donna Y.P. Tam replied in the negative. In response to the same Member's follow-up question on why the commenter had raised such concerns, Ms. Donna Y.P. Tam said that there was no explanation provided by the commenter in this regard. There might be façade decoration at the application premises previously. However, the application premises was now vacant and without any façade decoration as shown on the site photos taken on 9.5.2008 in Plan A-3 of the Paper. There was no change to the conditions of the application premises according to the latest site visit conducted on 3.7.2008.

Deliberation Session

22. If the application was to be approved by the Committee, a Member raised concern about the subsequent change of operator, thus a change to other types of massage establishment which might not be welcomed by the local residents. In view of the above and the commenter's concerns, the same Member asked whether the applicant should be advised to liaise and obtain consent of the Owners' Corporation (OC) of the subject building regarding the design of façade decoration and subsequent change of operator at the application premises. The same Member considered that stipulating such advisory clauses was appropriate in maintaining a pleasant living environment for the residents in the same building. Another Member said that the application complied with the requirements as set out in the Town Board Guidelines No. 14B, which was an important consideration. Matters relating to façade decoration or type of massage establishment at the application premises should be subject to the building management and the Deed of Mutual Covenant of the building. In this regard, there was no need to stipulate advisory clauses on such matters. Another Member shared the same view.

23. The Chairperson remarked that advisory clauses attached to an approved application served the purpose to remind the applicant to take note of certain departmental comments/requirements or Government regulations. As a planning permission was granted in respect of the land/building/premises, any change of owner/tenant/operator would not affect the permission granted by the Board. Nevertheless, the permission granted would be on the terms of the application as submitted to the Board. Ms. Donna Y.P. Tam added that if the application was to be approved, the permission granted would be on permanent basis. However, if there was any material change in the proposed use, planning permission from the Board would be required.

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

24. To address the above Member's concern on the type of massage establishment, a Member suggested to impose an approval condition restricting the operation hours of the proposed use, which would have a bearing on the type of massage establishment that could be operated at the application premises. The Chairperson remarked that the subject building was zoned "Residential (Group A)" ("R(A)") on the relevant Outline Zoning Plan under

which uses such as ‘Place of Entertainment’, ‘Shop and Services’, ‘Eating Place’, etc. were always permitted on the lowest three floors of a building (including basements). The operation hours of these uses, if any, at the subject building and the surrounding areas zoned “R(A)” might be long. The need to restrict the operation hours of the proposed massage establishment to minimize nuisance to the nearby residents might not be necessary. Other Members shared the same view and made the following comments :

- (a) the commenter raised no objection to the proposed use under application;
- (b) there was lack of clear basis to impose specific operation hours for the proposed use; and
- (c) unlike certain always permitted uses such as karaoke under the subject “R(A)” zoning, the proposed use was considered relatively “passive” in nature. In view of this and the presence of separate entrances serving the proposed use, it would unlikely cause nuisances to the local residents.

25. After further 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 4.7.2012, 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 fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

## **Agenda Item 7**

### **Section 16 Application**



[Open Meeting (Presentation and Question Sessions Only)]

A/H8/387                      Proposed Residential Development  
in “Comprehensive Development Area (1)” zone,  
14-30 King Wah Road, North Point  
(MPC Paper No. A/H8/387A)

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26.            The Chairperson said that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. Mr. Raymond Y.M. Chan, having current business dealings with Henderson Land Development Co. Ltd., had declared an interest in this item. The Committee noted that Mr. Chan had tendered his apology for being unable to attend the meeting.

#### Presentation and Question Sessions

27.            The Committee noted that the applicant’s representative had requested on 24.6.2008 for deferment of the consideration of the application in order to allow time for the applicant to undertake an Air Ventilation Assessment for the proposed development.

#### Deliberation Session

28.            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.

### **Agenda Item 8**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/390                      Proposed Place of Recreation, Sports or Culture  
   (including Redevelopment of Victoria Park Swimming Pool Complex)  
   in “Open Space” zone,  
   Victoria Park, Causeway Bay  
   (MPC Paper No. A/H8/390)

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Presentation and Question Sessions

29.            The Committee noted that the applicant had requested on 20.6.2008 for deferment of the consideration of the application for one month in order to allow time for the applicant to prepare additional information to address the concerns raised by Government departments and the public.

Deliberation Session

30.            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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Kowloon District**

**Agenda Item 9**

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K7/4                      Application for Amendment to the  
Draft Ho Man Tin Outline Zoning Plan No. S/K7/19  
from “Government, Institution or Community”  
to “Residential (Group E)”,  
25 Man Fuk Road,  
Ho Man Tin (KIL 9456RP and Extension)  
(MPC Paper No. Y/K7/4)

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### Presentation and Question Sessions

31.            The Secretary said that the draft Ho Man Tin Outline Zoning Plan (OZP) No. S/K7/19, mainly incorporating amendments to stipulate building height restrictions and to rezone two sites for residential use, was gazetted under section 5 of the Town Planning Ordinance on 18.1.2008. Among the 17 representations received during the exhibition period, a representation (No. TPB/R/S/K7/19-8) was against the building height restriction imposed on the application site whereas two representations (No. TPB/R/S/K7/19-16 and 19-17) were against the rezoning of a site from “Government, Institution or Community” to “Residential (Group E)” which was of similar nature with the subject application. The Town Planning Board (the Board) had not yet considered the representations. In order not to pre-empt the Board’s consideration of the representations, the Planning Department recommended deferment of the consideration of the subject application pending the Chief Executive in Council (CE in C)’s decision on the representations. This was in accordance with the Town Planning Board Guidelines No. 33 on “Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance”.

### Deliberation Session

32.            After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council’s decision on the representations in respect of the draft Ho Man Tin Outline Zoning Plan No. S/K7/19.

[Miss Annie K.W. To, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

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

## **Agenda Item 10**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/183            Shop and Services  
                          in “Other Specified Uses” annotated “Business” zone,  
                          Workshop 3, G/F,  
                          Canny Industrial Building,  
                          33 Tai Yau Street, San Po Kong  

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                          (MPC Paper No. A/K11/183)

### **Presentation and Question Sessions**

33.            Miss Annie K.W. To, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application premises was the subject of a previous approved application (No. A/K11/171) for shop and services (retail shop) use whereas the current application was for general shop and services use;
- (b) the shop and services use;
- (c) departmental comments – concerned Government departments, including the Director of Fire Services (D of FS), had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Wong Tai Sin);

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. The shop and services use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone and complied with the requirements set out in the Town Planning Board Guidelines No. 22D for “Development within “OU(Business)” zone”. It would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on uses within the subject industrial building and the adjacent area. Besides, there had been no complaint received since the approval of the previous application (No. A/K11/171) for shop and services (retail shop) use at the application premises on 10.6.2005.

34. Members had no question on the application.

[Professor N.K. Leung returned to join the meeting at this point.]

#### Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape and fire service installations in the subject premises, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2009; 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.

36. The Committee also agreed to advise the applicant of the following :
- (a) to appoint an Authorized Person to submit Alteration and Addition Plan to demonstrate compliance with the Buildings Ordinance;
  - (b) to consult the Food and Environmental Hygiene Department regarding the food licence for operation of food business under the Food Business Regulation; and
  - (c) to note that no vehicular access from public road to the application premises would be allowed.

[The Chairperson thanked Miss Annie K.W. To, STP/K, for her attendance to answer Members' enquiries. Miss To left the meeting at this point.]

### **Tsuen Wan and West Kowloon District**

#### **Agenda Item 11**

[Closed Meeting]

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

#### **Agenda Item 12**

Any Other Business

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