

TOWN PLANNING BOARD

**Minutes of 387th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 19.12.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Ms. Shirley Lee

Assistant Director (Kowloon), Lands Department
Ms. Olga W.H. Lam

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

Secretary

Absent with Apologies

Professor N.K. Leung

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Assistant Director(2), Home Affairs Department
Mr. Andrew Y.T. Tsang

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

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

Agenda Item 1

Confirmation of the Draft Minutes of the 386th MPC Meeting Held on 5.12.2008

[Open Meeting]

1. The draft minutes of the 386th MPC meeting held on 5.12.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Judicial Review Relating to

Wan Chai North and North Point Outline Zoning Plans

2. The Secretary reported that the judicial review (JR) lodged by Fook Lee Holdings Ltd. (Fook Lee) in respect of the Town Board's decisions on the further objection to the draft Wan Chai North Outline Zoning Plan (OZP) No. S/H25/1 and the representation relating the draft North Point OZP No. S/H8/21 made by Fook Lee were withdrawn on 17.12.2008 with the Court's approval. The Court had also ordered that the interim stay of the two OZPs be uplifted. Under such circumstances, the two OZPs would be submitted to the Chief Executive in Council for approval under section 8 of the Town Planning Ordinance.

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H5/2 Application for Amendment to the Approved Wan Chai
Outline Zoning Plan No. S/H5/25 from “Other Specified Uses”
annotated “Comprehensive Redevelopment Area” to “Green Belt”,
Government Land near Lot No. IL 1876 & Ext., Wan Chai
(MPC Paper No. Y/H5/2)

Presentation and Question Sessions

3. The application was submitted by The Conservancy Association, part of the application site was the subject of two planning applications No. A/H5/217 and A/H5/341 made by Hopewell Holdings Ltd. (HWH). The Secretary reported that Mr. Felix W. Fong, having current business dealings with HWH, had declared an interest in the item. Mr. K.Y. Leung said that his wife owned 50% of a property at Lockhart Road in Wan Chai and Ms Shirley Lee said that her husband had current business dealing with HWH. The Secretary said that according to the Town Planning Board (the Board) Procedure and Practice, Mr. Leung’s and Ms. Lee’s interests in the item should be indirect and not substantial as Lockhart Road was quite far away from the application site and Ms. Lee’s presence at the meeting was not in her personal capacity but as a representative of the Director of Environmental Protection. The Committee agreed that Mr. Leung and Ms. Lee could stay at the meeting and participate in the discussion of this item.

[Mr. Felix W. Fong left the meeting temporarily and Dr. Daniel B.M. To arrived to join the meeting at this point.]

4. The following two representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)

Ms. Donna Y.P. Tam - Senior Town Planner/Hong Kong (STP/HK)

5. Mr. Peter S.M. Li, the applicant's representative, was also invited to the meeting at this point.

6. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Ms. Donna Y.P. Tam, STP/HK, to brief Members on the background of the application.

7. With the aid of a Powerpoint presentation, Ms. Donna Y.P. Tam presented the application as detailed in the Paper and made the following main points :

- (a) the subject site was a piece of Government land near IL 1876 & Ext. in Wan Chai. It fell within an "Other Specified Uses" annotated "Comprehensive Redevelopment Area" ("OU(CRA)") zone on the approved Wan Chai Outline Zoning Plan No. S/H5/25 (the OZP). The applicant proposed to rezone the site into "Green Belt";
- (b) the justifications put forth by the applicant were summarized in paragraph 2 of the Paper;
- (c) the subject site formed part of five previous planning approvals granted by the Board or the Committee between 1986 and 2004. The last two (i.e. applications No. A/H5/217 and A/H5/341 granted in January 1994 and June 2004 respectively) were for the Hopewell Centre II project which was a proposed 93-storey hotel/commercial building with a building height of 315mPD and a plot ratio (PR) of 15.9. In view of the public concerns on the scale, height, traffic, visual and landscape impacts of that approved development, the developer had recently proposed to amend the scheme by reducing the PR to 10.3 and the building height to 210mPD (55 storeys);
- (d) the application site was also the subject of three rezoning requests submitted by parties other than the landowner, all of which were not agreed by the Committee. The last one (No. Z/H5/3) was submitted by The

Conservancy Association, the same applicant of the current application, also proposing to rezone the same site to “GB” (or alternatively to retain the “OU(CRA)” zoning but to amend the Notes of the OZP to specify detailed development restrictions for the zone). That rezoning request was rejected by the Committee on 14.1.2005;

- (e) the comments on the application from concerned Government departments were set out in paragraph 9 of the Paper. The District Lands Officer/Hong Kong East, Lands Department did not support the application mainly from land administration point of view as the subject site had a steep topography and irregular configuration. The existing “OU(CRA)” zoning was considered more appropriate in terms of optimum site utilization. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) considered that the existing “OU(CRA)” zoning would encourage comprehensive redevelopment conducive to environmental improvement in the old Wan Chai area. The Director of Agriculture, Fisheries and Conservation (DAFC) considered the application reasonable and desirable from flora conservation point of view. The Assistant Commissioner for Transport/Urban, Transport Department indicated that the proposed rezoning, involving a portion of land along Kennedy Road, would jeopardize the opportunity to improve the existing sub-standard footpath under the previously approved comprehensive development proposals. Other concerned Government departments had no adverse comment on/no objection to the application;

- (f) a total of 1,570 public comments from members of the Legislative Council and District Council, local concern groups, green groups, Incorporated Owners of nearby developments, local residents and the general public were received during the statutory publication period. 952 of them supported the application and 614 of them objected to it. For the remaining four, three provided comments/suggestions on the application, and one had reservation on it. The major supporting grounds were that the existing green environment and mature trees on the subject site should be preserved; the proposed green belt could provide ecological protection to

the habitat for birds and wild life as well as a buffer in the densely built and air-polluted Wan Chai district; the proposed green belt could provide greenery and open space in Wan Chai, noting that there had been a serious reduction of open space in the district over the years; the proposed rezoning was in line with the policy on nature conservation; the scheme for the Hopewell Centre II development approved in 1994 was outdated and the proposed rezoning would result in cutting down its scale and mitigate its air and noise pollutions; and the Hopewell Centre II development should be built on private landholdings only. The major opposing grounds were that redevelopment would bring more economic benefits to the local community and the proposed rezoning would deter the economic expectations from the local residents on such benefits; it was unlawful and unreasonable for not allowing the implementation of the approved development; the Board had previously rejected a similar rezoning request made by the same applicant; the proposed rezoning would contravene the planning intention of the “OU(CRA)” zone which was for commercial development; the existing trees on subject site were not valuable and did not require preservation; the proposed “GB” zoning would only perpetuate the environmental degradation and slope instability; and the implementation of the proposed green belt was doubtful;

- (g) PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper in that the existing “OU(CRA)” zoning for the subject area would encourage comprehensive redevelopment that contributed to urban renewal and provision of open space to address the demand in Wan Chai. In procedural terms, since there was no provision under the Town Planning Ordinance for the Board to rescind the planning permission for a hotel/commercial development previously granted in 1994 under application No. A/H5/217, the planning intention of the proposed “GB” zone could not be achieved even if the subject application was approved. Moreover, the approved scheme was subject to approval conditions including the design of the building, submission of landscape proposals and tree felling report, design and construction of a public park and a private park to be open for public use and improvement of Kennedy

Road. These conditions ensured proper control on possible landscape, visual and traffic impacts generated by the proposed development and the provision of open space for public use. In any event, it should be noted that the developer of the Hopewell Centre II project had recently proposed to revise the approved scheme by significantly reducing the scale of the development.

8. The Chairperson then invited the applicant's representative to present his case.
9. With the aid of a Powerpoint presentation, Mr. Peter S.M. Li made the following main points :
 - (a) on 19.11.2008, the Development Bureau and the developer announced that the development scale of the Hopewell Centre II project would be significantly reduced. The applicant considered that the revised scheme could not truly reflect the adverse impacts it created on the existing trees within the subject site and the environment of the area;
 - (b) the site coverage of the revised scheme was claimed to be about 20% but it only referred to the proposed hotel/commercial tower above the podium. At an informal meeting with the applicant, the developer confirmed that the site coverage of the podium of the development was about 60% of the whole "OU(CRA)" site;
 - (c) the reduced plot ratio of 10.5 had taken Government land within the subject "OU(CRA)" zone into the calculation. If only private land was used in the calculation, the plot ratio of the revised scheme should be over 17;
 - (d) at an informal meeting with the applicant, the developer confirmed that the slopes within the subject application site would have to be cut and filled in both the original and revised schemes. As such, the adverse impacts on the existing trees on the slopes, particularly the mature ones, would be similar in the two schemes. According to the applicant's tree experts, not more than 20% of the existing trees within the subject application site could

be preserved in the worst case scenario, and even under the most optimistic scenario, it was estimated that not more than 70% could be preserved. It should be noted that many of the affected trees were mature walled trees which could not be transplanted;

- (e) the revised scheme would still have adverse visual impacts on the surrounding areas. For example, the existing green backdrop behind the Hung Shing Temple at Queen's Road East was expected to be replaced by the huge podium façade of the development;
- (f) as demonstrated in an illustrative proposal put forward by the developer in 2004, the proposed hotel/commercial development could be built solely on the private land owned by the developer; and
- (g) the developer had previously agreed to surrender the site at 196-206 Queen's Road East (QRE site) for the provision of a public open space, but the site was now occupied by an office/commercial building named QRE Plaza. The developer's claim that he had misunderstood the uses permitted under the Notes of "Open Space" zone was not convincing, given that he was an experienced developer in Hong Kong. As such, it was doubtful if the planned public open space in the Hopewell Centre II project would be provided. It was suggested to consider deducting the gross floor area of QRE Plaza from the revised scheme of the Hopewell Centre II development so as to further reduce the scale of the development.

10. A Member asked about the history of the QRE site. Ms. Brenda K.Y. Au, DPO/HK, said that the planning permission for an office/commercial building on the site was granted by the Board in 1981. Prior to the 1994 approval of the Hopewell Centre II project, there were planning applications to the Board in respect of the "OU(CRA)" site from the same developer offering the surrender of the QRE site. In the 1994 proposal for the Hopewell Centre II project (No. A/H5/217), the Board, in approving the scheme, considered that the land exchange matter had no direct relationship with the planning consideration and hence only advised the applicant to negotiate with the Government on the land to be surrendered to the Government. Subsequently, in June 1994, the Board rezoned the QRE

site to “Open Space” but was met with objection from the developer. As there was no time limit to the planning approval granted in 1981, the approved scheme was implemented a few years ago and hence was built on the site.

11. The same Member further asked how the felling of trees involved in the Hopewell Centre II project would be scrutinized. Ms. Brenda K.Y. Au said that the planning permission granted in 1994 (application No. A/H5/217) had an approval condition requiring the applicant to submit and implement a landscaping plan for the whole development. Lands Department would also include appropriate tree preservation/transplanting/compensation conditions in the lease documents in the relevant land exchange. Another Member asked who would determine if the landscaping and tree preservation/compensation conditions were complied with. Ms. Au said that the applicant had to demonstrate the compliance with the approval condition on the landscaping plan to the satisfaction of the Director of Planning (D of Plan) or the Board on the advice of relevant Government departments such as DAFC would be consulted. For the tree preservation/compensation conditions in the lease documents, the Director of Lands would monitor the compliance in consultation with relevant Government departments.

12. A Member asked the applicant for his objective in submitting the application, bearing in mind that even if the application was approved and the site rezoned, it would not be able to stop the developer from proceeding with Hopewell Centre II project. Mr. Peter S.M. Li said that the applicant’s original intention was to seek clarification on the latest intention on the Hopewell Centre II development. However, he noted that the Board had already made a decision on 12.12.2008 when it considered that the developer’s revised scheme fell within Class A amendments under section 16A(1) of the Town Planning Ordinance. The same Member asked PlanD about the provision of public open space in the Wan Chai district. Ms. Brenda K.Y. Au replied that in accordance with the Hong Kong Planning Standards and Guidelines, the planned provision under the OZP was able to meet the need of the residents in the Wan Chai district, although the existing provision was short of 4.6 ha.

[Mr. Raymond Chan Y.M. Chan arrived to join the meeting at this point.]

13. Since Members had raised no further question and the applicant’s representative

had no further point to make, the Chairperson informed the applicant's representative that the hearing procedures had been completed and the Committee would further deliberate on the application in his absence, and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representative, DPO/HK and STP/HK for attending the meeting. They all left the meeting at this point.

Deliberation Session

14. Noting that the planning permission for the Hopewell Centre II development could not be rescinded, a Member opined that relevant Government departments should closely monitor the issue of tree preservation resulting from the Hopewell Centre II development. Two other Members said that in view of the public concerns on the revised scheme, concerned Government departments should try their best to ensure that the developer would comply with the relevant conditions and requirements throughout the implementation of the project.

15. A Member suggested requesting DAFC to adopt a more proactive approach by helping the developer to identify trees that were worthy of preserving and transplanting. Members generally agreed to the suggestion. The Chairperson said that CTP/UD&L, PlanD might also assist in this aspect. The Secretary pointed out that the Hopewell Centre II development would likely to clear the slope for the site formation works and hence it might not be possible to preserve all the trees on the slopes. She considered that transplanting might be more practical.

16. A Member asked whether the Government had any policy on compensatory tree planting, and whether the transplanting and compensatory planting could be done off-site. In response, the Chairperson said that there was no explicit Government policy on compensatory planting. Ms. Olga W.H. Lam said that transplantation or compensatory planting would usually be provided within the same site. If it was not feasible, the developer might suggest alternative locations to the Government for consideration, including those sites under the management of Leisure and Cultural Services Department. Ms. Shirley Lee added that Environmental Protection Department had some guidelines and requirements on transplanting and compensatory planting under the environmental impact assessments. She said that all transplanting and compensatory planting should be carried out within the

same site or on similar land as far as possible but the successful rate for transplanting would depend on factors such as skills of the workers and the growing environment for the trees. Ms. Lee also pointed out that Agriculture, Fisheries and Conservation Department had produced some practice notes on how transplanting and compensatory planting should be done, including criteria for on-site/off-site transplanting and ratio for compensatory planting. DAFC could be asked to provide advice to the developer of the Hopewell Centre II project, if necessary.

17. Noting that a similar rezoning request made by the same applicant was rejected in 2005, a Member asked whether the Town Planning Ordinance (the Ordinance) had any provision to deter repeated applications. The Chairperson explained that the Ordinance did not have any provision to prohibit repeated applications and it would be difficult to differentiate a “repeated” application from a slightly different “new” application. She said that a balance had to be struck between the public’s right in making planning applications and the possible abuses of the planning application system.

18. In sum, the Chairperson concluded that Members confirmed that the planning intention to encourage comprehensive redevelopment of the site into commercial uses with the provision of public open space and other supporting facilities still remained valid and hence the current “OU(CRA)” zoning for the site was appropriate. Besides, the planning permission for the approved scheme was still valid and the developer had based on the approval to assemble land for the development. Changing the planning intention for comprehensive redevelopment of the site would not result in rescinding the planning approval previously granted. As for the suggestions made by Members, they could be conveyed to the developer and the relevant Government departments for their follow-up actions.

19. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the planning intention of the “Other Specified Uses” annotated “Comprehensive Redevelopment Area” (“OU(CRA)”) zone was primarily to encourage the redevelopment of the site into commercial uses with the provision of public open space and other supporting facilities. Retaining

the “OU(CRA)” zoning for the subject area would encourage comprehensive redevelopment that contributed to urban renewal in the area and provision of open space to address the demand in Wan Chai. The zoning was considered appropriate to effect statutory planning control over the future development of the site; and

- (b) the site was the subject of a scheme approved by the Town Planning Board (the Board) in 1994 for a hotel/commercial development (application No. A/H5/217) in accordance with the planning intention of the “OU(CRA)” zone. The planning permission was still valid and there was no provision under the Town Planning Ordinance for the Board to rescind a planning permission previously granted. The planning intention of the “GB” zone under application could not be achieved as the planning permission already granted would not be affected.

20. Member also agreed to ask relevant Government departments to help identify trees that worth preserving and transplanting for the consideration of the developer of the Hopewell Centre II project.

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

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H10/3 Application for Amendment to the Approved Pok Fu Lam
Outline Zoning Plan No. S/H10/15 from “Residential (Group C)” to
“Other Specified Uses” annotated “Residential Development with
Historical Building Preserved” or from “Residential (Group C)”
and “Green Belt” to “Other Specified Uses” annotated
“Residential Development with Historical Building Preserved”,
128 Pok Fu Lam Road, Hong Kong (RBL 324)
(MPC Paper No. Y/H10/3)

21. The Secretary said that the application was withdrawn by the applicant on 18.12.2008. As such, there was no need to consider the Paper on the applicant’s deferral request.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H11/94 Proposed Minor Relaxation of Building Height Restriction for
Permitted 'Flat' Development in “Residential (Group A)” zone,
38,40,42,42A and 44 Caine Road, Mid-levels West
(MPC Paper No. A/H11/94)

Presentation and Question Sessions

22. The Committee noted that the applicant on 12.12.2008 requested the Committee to defer the consideration of the application to the meeting on 9.1.2009 in order to allow time

for the applicant to address the outstanding departmental comments on the application.

Deliberation Session

23. 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 the submission of the further information should be made by 19.12.2008, and no further deferment would be granted unless under very special circumstances.

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/232 Proposed Hotels
 in “Other Specified Uses” annotated “Ocean Park” zone, Ocean Park
 (MPC Paper No. A/H15/232)

24. With the aid of a Powerpoint presentation, Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three hotels (i.e. Ocean Hotel, Fisherman’s Wharf Hotel and Spa Hotel) within Ocean Peak;

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

- (c) departmental comments – concerned Government departments had no adverse comment on/no objection to the application, except the Director of Environmental Protection (DEP), the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/A&SC, ArchSD), and the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD). DEP considered that the proposed hotel developments were not expected to generate significant environmental impacts. As the Ocean Park Redevelopment Project was an exempted Designated Project (DP) under the Environmental Impact Assessment Ordinance (EIAO), the hotel proposal might potentially contribute a Material Change to an exempted DP. The advice from CTP/UD&L, PlanD on whether the proposed hotels would produce adverse landscape and visual impacts would be required in order for DEP to form a view on whether the proposal might constitute a Material Change to the exempted DP. CA/A&SC, ArchSD advised that the proposed hotel developments should be visually compatible with their respective surroundings. CTP/UD&L, PlanD gave the following comments on the three proposed hotels :-

Ocean Hotel

- (i) the proposal would alter the low-to medium-rise visual environment of the area. As the proposed design was solid, efforts should be made to enhance the visual permeability of the development and soften its hard lines. There was also a need for design and layout improvement of the scheme for better integration with the Entry Plaza;

Fisherman's Wharf Hotel

- (ii) the applicant should explore the feasibility of providing a wider promenade. Consideration should also be given to break the building façade of the proposed development and enhance its permeability; and

Spa Hotel

- (iii) the majority space of the development had been designed as indoor space. Efforts should be made to integrate the proposed development with the natural topography and to make the best use of the natural environment;
- (d) a total of 371 public comments were received during the statutory publication period. 361 of them objected to the application and the remaining 10 supported it. The major grounds of the supporting and objecting comments were as follows :

Objecting

- (i) the proposed hotel developments would contravene the planning intention of the “Other Specified Uses” annotated “Ocean Park” (“OU(Ocean Park)” zone and the low-rise/density local character;
- (ii) there was no convincing case to support the need of three hotels which were in conflict with the Ocean Park’s mission;
- (iii) the proposed hotel plans were prepared hastily without much time for public consultation or for considering other options;
- (iv) the locations, heights and densities of the proposed hotels were incompatible with the general environment of the area;
- (v) the traffic to be generated by the proposed hotels would increase the demand for additional road capacity and trigger the need for the future extension of Route 4. The traffic conditions of some existing roads, such as Aberdeen Tunnel, Nam Long Shan Road and Sham Wan Road, would also be further worsened. The proposed hotels should be built after the opening of the South Island Line (East);
- (vi) the proposed hotels would have potential glare impacts during night

time. They would also create criminal, noise and pollution problems; and

- (vii) the proposed Ocean Hotel would block the view of the immediate neighbourhood. It would be incompatible with the low-rise/density Shouson Hill area, and in breach of the height and density restrictions of the Shouson Hill residential area. Should any hotel be developed on that site, it should not be higher than three storeys;

Supporting

- (i) the proposed hotel developments met the Government's policy in promoting tourism in Hong Kong. They would bring economic benefits, create jobs and enhance the attractiveness and glamour of Hong Kong as a tourism destination; and
 - (ii) the Ocean Hotel was restricted to not more than eight storeys. It would unlikely cause any adverse visual impacts as viewed from the adjoining Shouson Hill area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed hotels were considered to be in line with the planning intention of the “OU(Ocean Park)” zone and complementary to the theme park. They would unlikely generate any unacceptable adverse impacts on the traffic, infrastructure, environment, ecology and landscape of the area. The potential traffic problems during the construction period and special events could be solved by traffic management measures. The submitted transplanting and compensatory planting proposals were generally acceptable. On the visual aspect, PlanD had concerns on the built form, design and layout of the proposed hotels and there was scope to reduce the overall building height of the Ocean Hotel. As the applicant had advised that the current application was intended to ascertain the major development parameters for the three proposed hotels so as to allow the

prospective bidders to formulate their schemes, the designs were not yet final. In this regard, approval condition could be imposed on the building form, layout, design and disposition of the proposed hotels and the building height aspect of the Ocean Hotel to ensure that there would be sufficient control in the future implementation of the development which would be visually compatible with the surrounding areas.

Approved hotel proposals in Wong Chuk Hang

25. A Member asked how the proposed hotels and the approved hotel proposals in the Wong Chuk Hang (WCH) Business Area would be coordinated, should the subject application be approved. Ms. Brenda K.Y. Au, DPO/HK, replied that 13 sites for hotel developments had been approved within the “Other Specified Uses” annotated “Business” zone in the WCH Business Area. Planning permissions for five sites had already lapsed, and two of the approvals were considered as having commenced in view of the execution of the lease modification for hotel use or the approval of building plans. Whether all the approved hotel proposals would be implemented would depend on the market demand. Since the proposed hotels under application were to be provided within a theme park, they would be expected to cater for a market different from that in the WCH Business Area.

Building heights and visual impacts

26. The same Member asked about the visual impact of the proposed Ocean Hotel on the existing Entry Plaza. Ms. Brenda K.Y. Au said that according to a briefing made by the Ocean Park Corporation (OPC) to the Town Planning Board (the Board) in February 2008, the Entry Plaza upon redevelopment would be redesigned to provide better integration with the new hotel and the surrounding environment. It should be noted that the current application was made only to ascertain the location and major development parameters of the three proposed hotels so as to allow the prospective bidders to formulate their schemes. The design of the three hotels, including Ocean Hotel, was not final. The actual schemes would be subject to further refinements and changes by the future developers. By imposing approval conditions requiring the submission of building design and building height of the hotels and a revised visual impact assessment, there should be sufficient control on the future implementation of the proposed developments which would be visually compatible with the

surrounding areas.

27. Noting that the proposed Ocean Hotel would be in close proximity to the Shouson Hill residential area which was subject to a maximum building height of three storeys in addition to one storey of carport under a different Outline Zoning Plan (OZP), a Member asked how the proposed building height of Ocean Hotel (i.e. eight storeys) could be justified. Ms. Brenda K.Y. Au explained that the proposed Ocean Hotel and the Shouson Hill area were covered by two different land use zones on two different OZPs and their locations were separated by a major highway thus forming two distinct areas and characters. Given that the Ocean Hotel site was in close proximity to the Shouson Hill, separating by Wong Chuk Hang Road, the character of the Shouson Hill residential area was a relevant planning consideration in assessing the hotel application. The proposed hotel developments were considered in line with the planning intention of the “OU(Ocean Park)” zone which was for comprehensively planned low-density and generally low- to medium-rise marine-themed park development, bearing in mind that the Board agreed to include “hotel” use under the Notes of the “OU(Ocean Park)” zone in 2000. However, “hotel” was only included as a Column 2 use so as to ensure that its future scale and design would be subject to the scrutiny of the Board.

28. A Member asked about the total number of households in the Shouson Hill area that would be affected by the relaxation of building height of Ocean Hotel. Ms. Brenda K.Y. Au explained that there was currently no building height restriction for the “OU(Ocean Park)” zone and hence the applicant was not applying for a relaxation in building height under the OZP. By referring Members to a plan showing the existing building heights of the area, Ms. Brenda K.Y. Au explained that the existing residential developments in the Shouson Hill area were low-rise development generally following the rising topography of the area. Those nearest to Ocean Hotel had building heights between 30mPD to 40mPD which were lower than the proposed 53mPD of Ocean Hotel, while those further uphill had building heights higher than 53mPD. It was noted that the layout of the hotel had already been designed to allow a buffer distance between the hotel building and the Shouson Hill development. Regarding the building height, the applicant had reduced the number of storeys of Ocean Hotel from 17 to 8 (about 50%) and the reduction in the absolute building height from 60m to 40m was about 33%. In this regard, there should still be scope to further reduce the overall building height of the hotel, without affecting the plot ratio/gross

floor area (GFA) and the number of guestrooms. Hence, it was suggested imposing an approval condition on the building height of the Ocean Hotel, should the application be approved.

29. Another Member asked whether the revised design of the Ocean Hotel needed to be submitted to the Committee for consideration. Ms. Brenda K.Y. Au said that the approval condition (a) suggested in paragraph 12.2 of the Paper was to require the building form, layout, design and disposition of all the proposed hotels and the revised building height of the Ocean Hotel to be submitted to the satisfaction of the Director of Planning or of the Board. If Members considered it necessary, the approval condition could be worded to require the submission to the satisfaction of the Committee.

Public access to hotel facilities

30. A Member asked if some space could be allowed for public use to compensate for the loss in public space for the proposed hotel development. Ms. Brenda K.Y. Au said that PlanD had suggested widening the waterfront promenade in front of the Fisherman's Wharf Hotel for use of the visitors. The applicant also said that there would be a semi-open colonnade at G/F of the hotel adjoining the promenade to allow visitors a protected walkway to experience Tai Shue Wan Bay. The Chairperson said that Ocean Park had a history of over 30 years. In 2005, the Chief Executive in Council agreed a Redevelopment Plan for Ocean Park in which incorporating hotel development was identified as one of the future directions of the Park. The current application was a statutory planning procedure required for the implementation of the proposed hotels. The specific use and operation of the facilities within Ocean Park would be determined by the Board of Directors of OPC. The same Member reiterated that the waterfront promenade of the Fisherman's Wharf Hotel should be opened to the public free of charge.

31. A Member asked whether any of the hotels would provide facilities such as food court and open-air cafeteria for the general public. Ms. Brenda K.Y. Au said that according to the applicant's submission made in Appendix Ia of the Paper, the Ocean Hotel would be a medium tariff hotel and the facilities provided thereat would be affordable to the public.

32. Another Member asked whether an advisory clause could be included requesting

the applicant to allow public access to the outdoor open space of the hotel development. Ms. Brenda K.Y. Au said that this could be done if Members considered it necessary. She highlighted that an approval condition on the design and provision of the waterfront promenade for the Fisherman's Wharf Hotel had been suggested under paragraph 12.2(c) of the Paper.

Exempted DP under EIAO and traffic impacts

33. A Member asked why Ocean Park was an exempted DP under the EIAO. Ms. Shirley Lee explained that the Ocean Park was an exempted DP under the EIAO as Ocean Park had been in operation some 30 years ago before the EIAO was in force. An EIA had been undertaken for the Ocean Park 2005 Redevelopment Plan but the scope of this redevelopment plan did not cover the three proposed hotel developments. Whilst the hotel developments were not expected to cause significant environmental impacts in terms of air, noise, water quality and sewerage infrastructure, it was uncertain whether they would produce significant long term adverse ecological/landscape and visual impacts, which would constitute a Material Change to the exempted DP. The advice from the Director of Agriculture, Fisheries and Conservation and CTP/UD&L of PlanD on these two aspects was required by DEP before a decision could be taken on the current application under s9(4) of the EIA Ordinance.

34. Noting the traffic concerns raised by the local residents and the Hong Kong Police Force, the same Member asked whether the applicant's submitted traffic impact assessment (TIA) had taken the future developments in the area into account. Mr. Anthony Loo said that the peak hours of traffic generated by hotel development would be different from those of the commuters' traffic with the former at a lower rate. In terms of absolute amount, Mr. Loo confirmed that the applicant's TIA had taken into account all the development proposals in the area. The approach used in the TIA was considered to be conservative as the traffic forecast was estimated up to 2015 on the assumption that the South Island Line had not yet been opened. In general, the TIA was considered acceptable. Should the application be approved, an approval condition relating to the access and parking arrangements for the proposed hotel developments was recommended.

Site selections for proposed hotel developments

35. A Member raised concern on the sites selected for the Fisherman's Wharf Hotel and Spa Hotel. Ms. Brenda K.Y. Au said that the Spa Hotel was located on a hill slope part of which had been occupied by an existing facility of "Mine Train" where the natural landscape had already been disturbed and hence minimizing the landscape impact of the proposed Spa Hotel. For the Fisherman's Wharf Hotel, it was located at the waterfront of Tai Shue Wan so as to match with the fisherman theme of the hotel.

36. The same Member asked if one of the three hotels was not approved, would the applicant still proceed with the remaining ones. Ms. Brenda K.Y. Au said that OPC intended to develop the three hotels one after the other, with the Ocean Hotel and Fisherman's Wharf Hotel in the earlier phases.

Deliberation Session

37. The Chairperson said that it was the Government policy to include hotels in the redevelopment of Ocean Park and the Board would have to consider if the hotel proposals were acceptable from planning point of view. The three sites identified for hotel developments were highly constrained as they had to be located within the Park boundary and match with the future game/entertainment facilities of the Park and at the same time had minimal disruptions to the natural environment. The Chairperson considered that the visual impacts of the Fisherman's Wharf Hotel and Spa Hotel would not be significant as the two hotels were mainly facing the sea.

Role of hotel developments in Ocean Park

38. Members generally supported hotel developments within Ocean Park. A Member said that as visitors might spend more than one day to visit the Park after its redevelopment, hotel use should be complementary to the functions of the Park. Another Member opined that for the long-term interest of Hong Kong, Ocean Park should maintain its theme to promote marine education and conservation. As such, hotel developments should not become a major component of the Park, although they were profit generating.

Hotel design and visual impacts

39. A Member considered that the design of the proposed hotels was lack of creativity for such a unique location. This Member commented that the applicant should be asked to provide a better design, with greater concern on the overall visual impact, instead of just focusing on the effect on the Shouson Hill residential area. This Member also suggested breaking up the Spa Hotel into smaller hotel blocks on the hillslope to better match with the theme of the hotel.

40. A Member opined that the proposed hotel use was supported but the design of the proposed hotels was too old-fashioned. This Member suggested imposing an approval condition to require the applicant to improve the design of the proposed hotels, should the application be approved.

41. A Member said that there was insufficient information, especially the lack of photomontages showing the hotel proposals in the applicant's submission. Besides, it was noted that the current proposals were not final ones and the Committee might not have opportunity to further consider the revised proposals. In response, the Chairperson clarified that the applicant's submitted visual impact assessment (VIA) was at Appendix C of the Supplementary Planning Statement (Volume 2) in Appendix Ib of the Paper. She further explained that the three proposed hotels would neither be built, designed nor operated by Ocean Park. The current application was intended to ascertain the location and major development parameters of the hotels so as to allow the prospective bidders to formulate design schemes. In this regard, the design of the three hotels proposed in the current application were schematic only, and the actual developments would be subject to further refinement and changes by the future developers.

42. A Member had much concern on the design of the Ocean Hotel in view of its prominent location at the Entry Plaza and its adverse visual impacts on the Shouson Hill residential area. Another Member considered that the building height of the Ocean Hotel should be lowered. This Member was of the view that the revised design of all the proposed hotels should be submitted to the Committee for consideration.

[Professor Bernard V.W.F. Lim arrived to join the meeting, and Ms. Olga W.H. Lam left the

meeting temporarily at this point.]

43. A Member commented that the applicant should consider having smaller scale hotel developments in the Park. This Member said that the Committee might only have to specify the maximum GFA and number of guestrooms permitted under the application. The Chairperson explained that the current application was specifically made for three hotel developments on the three application sites. Any revised hotel proposals outside the boundaries of these three sites would require a fresh planning application.

Ecological impacts and EIA

44. Noting that Ocean Park was originally an exempted DP under the EIAO, a Member was concerned if the proposed hotel developments would cause any adverse ecological impact. Ms. Brenda K.Y. Au explained that the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application from ecological point of view as the Ocean Hotel site was within a “developed urban area” while the Fisherman’s Wharf Hotel and Spa Hotel sites were within a “developed area”. The ecological impacts of the proposed hotel developments would unlikely be significant. As regards the EIA, it was a process separated from the planning application system and as explained by Ms. Shirley Lee of EPD, it would be dealt with by DEP in consultation with concerned Government departments.

45. By referring to the photomontage shown in page 42 at Appendix C of the Supplementary Planning Statement (Volume 2) in Appendix Ib of the Paper, a Member opined that the Fisherman’s Wharf Hotel and Spa Hotel would seriously spoil the natural scenery of the Ocean Park headland which was still largely green. Besides, this Member considered that spa services were not in line with the main theme of Ocean Park for promoting marine education and conservation. Upon the Chairperson’s request, Ms. Brenda K.Y. Au showed Members a schematic layout of the Ocean Park Redevelopment Plan and explained that the hill slope above the Spa Hotel had already been formed for the “Summit” of Ocean Park which would include new game/entertainment facilities.

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

46. The Chairperson noted that Members generally agreed to have hotel developments within Ocean Park, but were concerned about the design of the hotels, especially the building height of the Ocean Hotel. Given that PlanD had suggested imposing an approval condition requiring the applicant to submit building form, layout, design and disposition of the proposed hotel developments and revised building height of the Ocean Hotel, the Chairperson asked if Members considered it necessary for the Committee to consider the compliance of the planning condition. In response to a Member's query, the Chairperson said that a fresh planning application had to be submitted if there were major changes in the future design of the hotel proposals.

47. Noting that the Ocean Park headland had a large area, a Member opined that there was much room to improve the design and the location of the proposed hotels. The Chairperson explained that most of the developable area within the Park had already been occupied by the existing or planned game/entertainment facilities, not many suitable sites were left for the proposed hotel developments. Ms. Brenda K.Y. Au said that the three hotel sites under application were the most suitable sites that could be identified in the Park, taking into account the steep topography of the Ocean Park headland, the need to minimize adverse impacts on the natural landscape, and the area taken up by the new game/entertainment facilities. She said that the suggestion to break up the three hotel developments into smaller scale hotels might affect the operation and management of the hotels. A Member had no objection to the hotel developments on the three application sites noting the constraints identified.

48. The Secretary noted that Members generally had no objection to the three sites identified for the proposed hotels but had concern on the design and layout of the proposed hotels, particularly the Spa Hotel. As the applicant had indicated that the schemes under application were not final, there was scope to improve the design of the three hotels. In view of that, the Secretary asked Members to consider if the approval condition suggested by PlanD in paragraph 12.2(a) of the Paper should be modified to apply to all the three hotels and the final design should be subject to the scrutiny of the Committee. Should Members consider it more appropriate to break up the three hotel developments into smaller-scale hotels at different locations within Ocean Park, the current application should be rejected.

[Ms. Olga W.H. Lam returned to join the meeting at this point.]

49. A Member asked whether the application could be approved with the maximum GFA and building height specified, and flexibility be allowed for a change in the design or a breaking up of the hotel sites into smaller sites. The Chairperson responded that any major changes to the submitted proposal in respect of the location and design would require a fresh application and any change to the design and layout of the hotel proposals should not go beyond the boundaries of the three application sites.

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

50. A Member opined that the building height of the Fisherman's Wharf Hotel was not compatible with the headland profile immediately at its back. That Member said that it might be feasible to step down the building height of the Fisherman's Wharf Hotel from 14 storeys to 8 storeys by spreading out the footprint along the waterfront to accommodate the same GFA so that the building profile would be more in line with the mountain backdrop. A few Members shared this Member's view.

51. Noting that the current application was mainly to ascertain the location and development parameters for the three proposed hotels so that the OPC could commence the next of work, a Member asked whether it was possible for the Committee to approve a total maximum GFA for the three proposed hotel developments so as to allow more flexibility for the future developer(s). The Chairperson explained that the suggestion to allow GFA of the three hotels to be interchangeable would create uncertainty on the scale and design of the individual hotel. The Secretary added that the hotel proposals were submitted under the section 16 application system where there was a statutory provision under the Town Planning Ordinance for public comments. Any significant changes of the proposal submitted had to go through the public inspection procedure again.

52. After further discussion, the Chairperson concluded that Members agreed to approve the application for hotel development. Regarding Members' concern on the design of the hotel proposals, a condition requiring the submission of the building form, layout, design, disposition and building height of the three proposed hotel developments to the satisfaction of the Committee should be imposed.

53. 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 19.12.2012, 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 building form, layout, design, disposition and building height of the proposed hotel developments to the satisfaction of the Metro Planning Committee or of the TPB;
- (b) the submission of a revised visual impact assessment taking into account approval condition (a) above to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of the waterfront promenade at Fisherman's Wharf Hotel to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission and implementation of a tree preservation scheme and a landscape master plan for the proposed hotel developments to the satisfaction of the Director of Planning or of the TPB;
- (e) the design and provision of an access road to the Spa Hotel, and the access arrangement, car parking and loading/unloading spaces for the proposed hotel developments to the satisfaction of the Commissioner for Transport or of the TPB; and
- (f) 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.

54. 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 developments and the proposed gross floor area (GFA) exemption for the back-of-house facilities,

voids and covered areas would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If GFA exemption for the proposed facilities/spaces was not granted by the Building Authority and the proposed plot ratio exceeded that in the approved scheme, a fresh planning application to the Board would be required;

- (b) to apply to the District Lands Officer/Hong Kong West and South of Lands Department for lease modification to permit the applied use;
- (c) to note the comments of the Commissioner of Police regarding the traffic impacts arising from the construction works and special events and to liaise with him in implementing the traffic management measures;
- (d) to note the comments of the Chief Engineer/Hong Kong and Islands of Drainage Services Department regarding the drainage reserve near the entrance of the proposed Ocean Hotel;
- (e) to note the comments of the Director of Environmental Protection that the proposed hotels might potentially constitute a Material Change to the exempted Designated Project of the Ocean Park Redevelopment Project;
- (f) to note the comments of Director of Fire Services regarding the compliance of Code of Practice for Means of Access for Firefighting and Rescue;
- (g) to note that comments of the Chief Town Planner/Urban Design and Landscape of Planning Department on the layout and design of the proposed hotel developments, the design of the waterfront promenade at Fisherman's Wharf Hotel, the use of green roof at the Ocean Hotel and the transplanting proposal; and
- (h) to consider allowing the general public to have free access to the waterfront promenade at Fisherman's Wharf Hotel.

[Mr. Nelson W.Y. Chan left the meeting temporarily, and Dr. Daniel B.M. To and Ms. Starry W.K. Lee left the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/233 Proposed Gas Governor Kiosk in Area Shown as ‘Road’,
a Site on the Footpath of the Slip Road Leading to Aberdeen Tunnel,
Wong Chuk Hang
(MPC Paper No. A/H15/233)

Presentation and Question Sessions

55. The application was submitted by Hong Kong and China Gas Co. Ltd. which was a company under the Henderson Land Group (HLG). The Secretary reported that Mr. Raymond Y.M. Chan, having current business dealings with HLG, had declared an interest in the item.

[Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed gas governor kiosk;
- (c) departmental comments – concerned Government departments had no adverse comment on/no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Southern);

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 9 of the Paper in that the application was to facilitate the relocation of an existing gas governor kiosk which would be affected by a proposed fire station cum ambulance depot. The proposed facility was small in scale and would be located at the edge of a footpath. It would unlikely create any adverse impacts on pedestrian traffic and safety.

57. Members had no question on the application.

Deliberation Session

58. 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 19.12.2012, 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.

59. The Committee also agreed to advise the applicant :

- (a) to note the comments of the District Lands Officer/Hong Kong West and South of Lands Department regarding the requirement for application for an excavation permit; and
- (b) to note the comments of the Director of Electrical and Mechanical Services regarding the possible impacts on the underground electrical cable.

[Mr. Nelson W.Y. Chan, Professor Bernard V.W.F. Lim and Mr. Raymond Y.M. Chan returned to join the meeting, and Mr. Leslie H.C. Chen left the meeting temporarily at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/57 Proposed Minor Relaxation of Building Height Restriction to
Allow 1 Storey of Sky Garden and 2 Basement Storeys
in “Residential (Group C) 5” zone,
21 Tai Tam Road, Tai Tam (Rural Building Lot No. 618 and Ext.)
(MPC Paper No. A/H18/57)

Presentation and Question Sessions

60. The Committee noted that the applicant on 10.12.2008 requested the Committee to further defer the consideration of the application for two months in order to allow more time for submission of further information to address departmental comments.

Deliberation Session

61. After deliberation, the Committee decided to further 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 a further period of two months was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairperson thanked Ms. Brenda K.Y. Au, DPO/HK, and Mr. David C.M. Lam, STP/HK, for their attendance to answer Members’ enquires. Ms. Au and Mr. Lam left the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr. C.K. Soh, Mr. P.C. Mok and Mr. K.T. Ng, Senior Town Planners/Tsuen Wan and West Kowloon (STPs/TWK), were invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/219 Proposed Commercial Bathhouse and Massage Establishment
in “Residential (Group A)” zone, 6/F, Pollock Building,
9-10 Tak Hing Street, Tsim Sha Tsui
(MPC Paper No. A/K1/219)

Presentation and Question Sessions

62. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed commercial bathhouse and massage establishment;
- (c) departmental comments – concerned Government departments had no adverse comment on/no objection to the application;

[Mr. Leslie H.C. Chen returned to join the meeting at this point.]

- (d) one public comment from an owner and resident of the subject building was received during the statutory publication period, objecting to the application mainly for the reasons that the commercial uses within the subject building had adversely affected the lift services available to the residents living in the subject buildings. Besides, there was a similar

bathhouse on 1/F; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that all planning criteria specified in the Town Planning Board Guidelines No. 14B were complied with. The proposed commercial bathhouse and massage establishment were considered not incompatible with the surrounding development as the application premises was located within the non-domestic portion of the subject building. Three similar applications for the same uses within the subject building were approved in 1995, 1998 and 1999 respectively. The non-domestic portion of the subject building was served by an exclusive entrance and lift separated from those serving the domestic portion. The applicant confirmed that the customers would only use the lift for the non-domestic portion. A security alarm system was proposed to prevent the customers from entering into other parts of the subject building.

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 19.12.2012, 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 a security alarm system at the emergency exits of the subject premises to the satisfaction of the Director of Planning or of the TPB.

65. The Committee also agreed to advise the applicant :

- (a) to consult the Director of Fire Services on the requirements of fire safety provisions within the application premises;

- (b) to consult the Commissioner of Police on the licensing requirements for a massage establishment; and
- (c) to consult the Chief Building Surveyor/Kowloon of Buildings Department on the requirement to employ a Registered Structure Engineer to verify that the originally imposed design load for office of 3KPa would not be exceeded.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/664 Shop and Services (Fast Food Shop, Retail Shop, Showroom)
in “Other Specified Uses” annotated “Business” zone,
Workshop A1, G/F, Block A, Hong Kong Industrial Centre,
489-491 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/664)

Presentation and Question Sessions

66. 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 shop and services (fast food shop, retail shop and showroom) 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 (Shum

Shui Po); and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed uses were in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and compatible with the other uses of the subject building. The proposed uses also complied with the requirements set out in Town Planning Board Guidelines No. 22D. They would unlikely generate adverse traffic or environmental impacts on the surrounding areas.

67. Members had no question on the application;

Deliberation Session

68. A Member suggested advising the applicant not to extend his use to the pedestrian walkway outside the application premises. The Chairperson said that an appropriate advisory clause could be included in the planning approval but it would be a matter of street management for concerned Government department to monitor.

69. After further 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 submission and implementation of fire safety measures, including the provision of means of escape and fire service installations in the application premises within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2009; 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.

70. The Committee also agreed to advise the applicant :
- (a) that prior planning permission should have been obtained before commencing the applied use at the application premises;
 - (b) to apply to the District Lands Officer/Kowloon West of Lands Department for the temporary waiver to permit the applied use;
 - (c) to note the Director of Fire Services' advice that the fast food shop under application should only be licensed and operated as 'food factory' but not 'general restaurant' or 'light refreshment restaurant'; and
 - (d) to confine the applied uses within the application premises so as not to cause obstruction to the adjacent pedestrian walkway.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/665 Religious Institution in "Residential (Group A)" zone,
4/F, 165 Pratas Street and 5/F and R/F, 163 - 167 Pratas Street,
Sham Shui Po
(MPC Paper No. A/K5/665)

Presentation and Question Sessions

71. The application was submitted by Joklan Taoist Association Ltd. with Charterwealth Professional Ltd. (CWP) as consultant. The Secretary reported that Mr. Raymond Y.M. Chan had declared an interest in the item as CWP was owned by Mr. Chan's brother. As Mr. Chan's interest in the item was considered to be indirect and not substantial, the Committee agreed that he could stay at the meeting and participate in the discussion of this item.

72. 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 religious institution (Taoist temple);
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) one public comment from the customer services office of the nearby Manor Centre was received during the statutory publication period, requesting for more information about the type of religious institution under application. After supplying the relevant information, no further comment was received from the commenter; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the subject Taoist temple had been established and serving the local community for more than 30 years since 1975. The applicant had undertaken to replace the existing incense burner on the roof floor of the subject building so as to meet the current standards of the Environmental Protection Department, and the Chief Building Surveyor/Kowloon, Buildings Department had advised that an application for an alteration and addition proposal of the incense burner had been submitted under the Buildings Ordinance in June 2008. Although the proposed use might not be compatible with the subject residential building, sympathetic consideration could be given to the subject application. In view of the unique history of the case, it was considered that the subject application would not set a precedent for similar applications.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB).

75. The Committee also agreed to advise the applicant :

- (a) to consult the Chief Building Surveyor/Kowloon of Buildings Department regarding the submission of building plans for the incense burner; and
- (b) to note the advice of the District Lands Officer/Kowloon West of Lands Department to ensure the use on the roof floor of the subject building was acceptable under the Deed of Mutual Covenants.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/402 Proposed Temporary Shop and Services (Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction for a Period of 3 Years in “Residential (Group A) 6” zone, Portion of Car Park at Level 6, Discovery Park, 398 Castle Peak Road, Tsuen Wan
(MPC Paper No. A/TW/402)

Presentation and Question Sessions

76. The application was submitted by Automall Discovery Park Ltd. involving premises owned by HKR Properties Ltd. (HKR). The Secretary reported that Mr. Raymond Y.M. Chan, having current business dealings with HKR, had declared an interest in the item.

[Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

77. Mr. K.T. Ng, 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 (motor-vehicle showroom) use and temporary minor relaxation of non-domestic gross floor area (GFA) restriction for a period of three years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of eight public comments from the Chairman of Discovery Park Resident Owners' Committee, three Tsuen Wan District Council members and local residents were received during the statutory publication period, all objecting to the application for the reasons that the proposed motor-vehicle showroom under application would further reduce the number of car parking spaces and thus seriously affect the benefits and rights of the residents. Besides, the proposed showroom deviated from the planning intention of a residential zone. Visitors to the showroom would result in security problems in the housing estate. The proposed showroom would further overload the already congested Mei Wan Street which was the access to the car park of the subject development. The initial design of the fire escape and elevators for the subject development would not meet such a large capacity of commercial use; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed temporary motor-vehicle showroom would not result in any actual increase in development bulk or intensity. The use was considered not incompatible with the existing retail uses within the subject development. The proposed minor relaxation of non-domestic GFA restriction was only on a temporary basis for three years. All concerned Government departments, including the Assistant Commissioner

for Transport/Urban, Transport Department (AC for T/Urban, TD) and Director of Fire Services, had no objection to or no adverse comment on the application. Regarding the public concerns on the management of the car park and the security of the residential development, the applicant would be advised to address the issues with the management of the subject development.

78. Upon a Member's question on the car parking need for the subject development, Mr. K.T. Ng, STP/TWK, said that the AC for T/Urban, TD considered that with the remaining 686 car parking spaces provided for the subject development, the reduction in car parking spaces was acceptable from traffic point of view. Mr. Anthony Loo supplemented that the applicant had submitted a Parking Demand Study with the application, the findings of which was confirmed to be in order and consistent with the Second Parking Demand Study conducted by Transport Department.

Deliberation Session

79. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 19.12.2011, 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 six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2009; 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.

80. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Chung of Lands Department for a temporary waiver to permit the applied use at the subject premises;

- (b) to submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance and its regulations;
- (c) to liaise with the management of Discovery Park regarding the car park management and security concerns of the residents; and
- (d) to note that the approved gross floor area (GFA) (4,610m²) for the proposed temporary motor-vehicle showroom covered all the GFA accountable areas under the Buildings Ordinance and its regulations for the proposed use.

[The Chairperson thanked Mr. C.K. Soh, Mr. P.C. Mok and Mr. K.T. Ng, STPs/TWK, for their attendance to answer Members' enquires. Messrs Soh, Mok and Ng left the meeting at this point.]

[Ms. Shirley Lee left the meeting temporarily at this point.]

Kowloon District

[Ms. Jessica H.F. Chu, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/227 Proposed Hotel Development in “Residential (Group A)” zone,
Nos. 105-107 Tam Kung Road, Mau Tau Kok
(MPC Paper No. A/K10/227)

Presentation and Question Sessions

81. The Secretary reported that Mr. Raymond Y.M. Chan had a landed interest in the item as he owned a property near the subject site under application. The Committee noted that Mr. Chan had left the meeting.

82. With the aid of a Powerpoint presentation, Ms. Jessica H.F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel development;
- (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 – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the development intensity of the proposed hotel (i.e. non-domestic plot ratio of 9 after excluding the back-of-house facilities area of 60m²) complied with the maximum permissible plot ratio for a non-domestic building within the subject “Residential (Group A)” zone. The surrounding areas were predominantly residential in character with shop and services uses on the lower floors. The Committee had previously approved two similar applications for hotel developments (No. A/K10/202 and A/K10/213) in the vicinity of the application site.

[Ms. Shirley Lee returned to join the meeting, and Mr. K.Y. Leung left the meeting temporarily at this point.]

83. Members had no question of the application.

Deliberation Session

84. 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 19.12.2012, 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 landscaping proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of water supplies for firefighting and the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and

- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (c) above to the satisfaction of the Director of Drainage Services or of the TPB.

85. The Committee also agreed to advise the applicant :

- (a) to note the comments of the Chief Building Surveyor/Kowloon of Buildings Department regarding hotel concessions and the passage to fireman's lift on G/F. The application for hotel concession, including exemption of back-of-house facilities from gross floor area calculation under Building (Planning) Regulation (B(P)R) 23A, would be considered upon formal submission of building plans subject to compliance with the criteria under PNAP 111. The passage to fireman's lift on G/F should be separated from the remaining portion of the ground floor under B(P)R 41B and paragraph 9.3(b) of the Code of Practice for Means of Access for Firefighting and Rescue 2004;
- (b) to consult the District Lands Officer/Kowloon West of Lands Department on the lease modification matters for the proposed hotel;
- (c) to consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel development;
- (d) 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;
- (e) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department; and

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department to provide landscape planting on the podium/flat roof on the first floor of the proposed development.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/228 Proposed School (Tutorial School) in “Residential (Group B)” zone,
G/F, 52 Grampian Road, Kowloon City
(MPC Paper No. A/K10/228)

Presentation and Question Sessions

86. With the aid of a Powerpoint presentation, Ms. Jessica H.F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (tutorial school) use;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) one public comment from a Kowloon City District Council member was received during the statutory publication period, objecting to the application for the reason that the proposed tutorial school might cause nuisance to the residents of the subject building and disruption to the traffic condition; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed tutorial school complied with all the assessment criteria specified in the Town Planning Board Guidelines No. 40. The proposed use was not incompatible with the surrounding residential areas which had uses such as school, college and seminary. It would unlikely cause major disturbance and nuisance to the local residents as the application premises had its own entrance/exit separated from the domestic portion of the subject building. Concerned Government departments, including the Director of Environmental Protection and the Assistant Commissioner for Transport/Urban, Transport Department, had no objection to the application. To ensure that the rear door within the application premises would only be used for emergency purpose, it was proposed to impose an approval condition to require the installation of a security alarm system at this door, should the application be approved.

87. Members had no question on the application.

Deliberation Session

88. 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 19.12.2012, 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 the fire safety measures to the satisfaction of the Director of Fire Services or of the TPB before operation of the use;
- (b) the installation of a security alarm system at the emergency exit to the side lane which would be triggered when the rear door was opened to the satisfaction of the Director of Planning or of the TPB before operation of the use; and

- (c) if any of the above planning conditions (a) and (b) was not complied with before the operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

89. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to consult the District Lands Officer/Kowloon East of Lands Department on the application for temporary waiver for the proposed tutorial school;
- (c) to consult the Registration Section of Education Bureau on school registration process under the Education Ordinance and the Education Regulations;
- (d) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department; and
- (e) to resolve any land issue relating to the development with the concerned owner(s) of the application premises.

[The Chairperson thanked Ms. Jessica H.F. Chu, STP/K, for her attendance to answer Members' enquires. Ms. Chu left the meeting at this point.]

[Ms. Miss Annie K.W. To and Miss Helen L.M. So, Senior Town Planners/Kowloon (STPs/K), were invited to the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/188 Proposed Extension of Religious Institution (Temple)
in “Green Belt” zone,
Government Land on the Slope off Tsz Ching Estate, Tsz Wan Shan
(MPC Paper No. A/K11/188)

Presentation and Question Sessions

90. 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;
- (b) the proposed extension for an existing temple;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of three public comments from the Mutual Aid Committee of Ching On House of Tsz Ching Estate, Chairman of Wong Tai Sin (North) Area Committee and a nearby resident were received during the two statutory publication periods for the application and the further information submitted on the application respectively. The first two comments supported the application. The last one, which included 145 signatures from the local residents, objected to the application mainly for the reasons that the proposed temple extension would cause adverse impacts on pedestrian circulation, safety, slope stability, and air nuisance to the residents of Tsz Ching Estate; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the

Paper in that the applicant's proposal would improve the existing dilapidated conditions of the applications sites from safety point of view. In view of the local need for a temple for worshipping purpose, sympathetic consideration could be given to the application. The proposed temple extension would not involve any tree felling. It would not create any significant visual impact to the sensitive receivers from high floors of the residential blocks in Tsz Ching Estate. The proposed development intensity of 102.4m² gross floor area of the two temple blocks was considered not incompatible with the character of the surrounding areas. Concerned Government departments, including the Assistant Commissioner for Transport/Urban of Transport Department (AC for T/Urban, TD), Head of Geotechnical Engineering Office of Civil Engineering and Development Department, and the Director of Environmental Protection, had no adverse comments on the application.

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

91. A Member asked if the stream, as mentioned by the Chief Engineer/Mainland South of Drainage Services Department (CE/MS, DSD) in paragraph 9.1.7 of the Paper, would be affected. With the aid of Plan A-2 of the Paper, Miss Annie K.W. To pointed out that the natural stream was to the west of the application sites. Owing to its close proximity to the application sites, CE/MS, DSD reminded the applicant not to alter/obstruct the stream nor allow any materials/debris to be dropped into the stream. In view of DSD's concern, an advisory clause was recommended to that effect.

92. Another Member asked if the access to the temple would affect the residents of Tsz Ching Estate. With the aid of Plan A-1 of the Paper, Miss Annie K.W. To explained that the pedestrian access to the temple had to be made via Tsz Ching Estate. Noting that there was no separate access for vehicles and pedestrians, the same Member raised concern about the fire safety and lack of access for the disabled. Miss To said that the Director of Fire Services had no in-principle objection to the application and the applicant would need to submit general building plans to demonstrate compliance with the emergency vehicular access (EVA) arrangement. The temple operator also indicated that there would be volunteers responsible for crowd control on festive days to avoid disturbances to the nearby

residents.

93. A Member enquired about the number of visitors to the temple and whether there was any other measure to control pedestrian flow on festive days. Miss Annie K.W. To pointed out that according to the Traffic (Pedestrian) Impact Assessment submitted by the applicant, the estimated number of visitors was 500 on peak days (including 480 worshippers and 20 staff). There was no information on the split between the residents of Tsz Ching Estate and visitors from outside. The applicant proposed to form groups of about 60 persons for each round of the ceremony which would take about one hour. The pedestrian traffic was also proposed to be of one-directional flow. Upon the request of AC for T/Urban, TD, the applicant agreed to upgrade the existing pedestrian access between the gate of the temple and the application sites to a width of not less than 2m. Handrails would be provided along the upgraded pedestrian access. With the aid of some site photos, Miss To said that the existing temple currently comprised some temporary structures for worship purpose.

94. A Member asked about the scale of the proposed temple extension as it was noted that there was no complaint against the existing temple from the local community. Miss Annie K.W. To said that the existing temple occupied a site of about 105m² with a total floor area of about 61m². The proposed extension involved two application sites. Two new temple buildings with a total floor area of 102.4m² were proposed on the northern site while the southern site would be a landscaped platform. All temporary structures within the existing site of the temple would be demolished.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

Deliberation Session

95. A Member considered that the application should be rejected for the reasons that the existing access to the temple had to be made via Tsz Ching Estate and it would likely cause disturbance and nuisance to the local residents, especially when a comment with 145 signatures from the local residents objecting to the application was received. Besides, the application sites were located at “Green Belt” (“GB”) zone with no direct vehicular access. The feasibility of providing an EVA and an access for the disabled for the temple was

uncertain. There were insufficient details in the applicant's submission to indicate clearly the design and layout of the proposed temple extension on the application site. The building of temple in "GB" zones should be kept under proper control and sufficient information should be provided to ensure a thorough assessment by the Committee. Another Member opined that the occupation of Government land without prior planning approval should not be encouraged. This Member agreed that the application should be rejected.

[Mr. K.Y. Leung returned to join the meeting at this point.]

96. A Member had reservation on the application as there was insufficient information about the conditions of the existing temple as well as the proposed extension.

97. The Secretary said that the applicant had submitted a traffic impact assessment on pedestrian flow. Since the application was for a proposed temple extension, the temple buildings were not yet erected on the application sites. Plans and drawings were submitted to show the details of the proposed temple extension.

98. Members generally agreed that the application should be rejected as there was insufficient information to indicate clearly how the access problem could be resolved.

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

- (a) there was insufficient information in the submission to demonstrate that proper vehicular and pedestrian accesses would be provided for the proposed temple extension; and
- (b) there was insufficient information in the submission to demonstrate that the proposed temple extension would not cause disturbance or nuisance to the residents of Tsz Ching Estate.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/578 Proposed Temporary Shop and Services (Fast Food Shop)
for a Period of 1 Year in “Other Specified Uses” annotated “Business”
zone, Shop G4, G/F, Catic Building, 44 Tsun Yip Street, Kwun Tong
(MPC Paper No. A/K14/578)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (fast food shop) use for a period of one year;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) one public comment was received during the statutory publication period, supporting the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed temporary shop and services (fast food shop) use complied with the Town Planning Board Guidelines No. 22D. The use was considered in line with the planning intention of the subject “Other Specified Uses” annotated “Business” zone. It would not generate any significant adverse impact on the other uses/developments within the subject building and the adjacent areas. Relevant Government

departments had no objection to the application.

101. Members had no question on the application.

Deliberation Session

102. A Member asked why the planning approval should be granted for one year. Miss Helen L.M. So, STP/K, replied that the applicant only applied for one year as he believed that an application for a shorter period would be easier to obtain approval from the Committee. Besides, the period of one year tallied with the period of the tenancy agreement for the subject premises.

103. Noting that the subject premises was very small, a Member worried that the operator of the fast food shop would extend his business to the pedestrian walkway in front of the application premises. The Chairperson said that the concern was a street management issue. However, the applicant could be advised to restrict his business within the boundary of the application premises, should the application be approved.

104. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of one year until 19.12.2009, 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 safety measures, including the provision of means of escape completely separated from the industrial portion and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use;
- (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.

105. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon East of Lands Department for temporary waiver for the proposed temporary shop and services (fast food shop) use at the subject premises;
- (b) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (c) to ensure that the proposed temporary change of use complied with the Buildings Ordinance, in particular, provision of two hours fire resisting separation wall between the application premises and the remaining portion of the building in accordance with Building (Construction) Regulation 90, and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72;
- (d) to strictly follow regulatory restrictions when loading/unloading activities took place to avoid interfering the main stream traffic, in particular under cumulative effect of nearby road side activities;
- (e) to approach the Director of Food and Environmental Hygiene for application for food licence;
- (f) to ensure that the proposed temporary use should only be licensed and operated as 'food factory' or 'factory canteen'; and
- (g) to confine the applied uses within the application premises so as not to cause obstruction to the adjacent pedestrian walkway.

[The Chairperson thanked Miss Annie K.W. To and Miss Helen L.M. So, STPs/K, for their attendance to answer Members' enquires. Miss To and Miss So left the meeting at this point.]

Agenda Item 17

Any Other Business

106. There being no other business, the meeting was closed at 12:40 p.m..