

**TOWN PLANNING BOARD**

**Minutes of 403rd Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 4.9.2009**

**Present**

Director of Planning  
Miss Ophelia Y.S. Wong

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

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

Chief Traffic Engineer/Hong Kong,  
Transport Department  
Mr. H.L. Cheng

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

Assistant Director/Kowloon, Lands Department  
Ms. Olga Lam

Deputy Director of Planning/District  
Mr. Lau Sing

Secretary

**Absent with Apologies**

Mr. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

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

**In Attendance**

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

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 402nd MPC Meeting held on 21.8.2009

[Open Meeting]

1. The draft minutes of the 402nd MPC meeting held on 21.8.2009 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that on 25.8.2009, Mr. Lawrence Yau, Director of Corporate Communications of Urban Renewal Authority (URA), informed Planning Department (PlanD) that, in relation to planning application No. A/K14/590 submitted by the URA and considered by the Committee on 7.8.2009, Ms Starry W. K. Lee, who had declared interest in the item, was no longer a Member of the Kowloon City District Advisory Committee (DAC) of the URA since April 2008. To put the record straight, the Secretary proposed to amend paragraphs 17 and 18 of the confirmed minutes of 401<sup>st</sup> MPC by specifying that Ms. Lee was an ex-member of the DAC. Members had no objection to the proposed amendments.

**Tsuen Wan and West Kowloon District**

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

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/677                      Proposed Shop and Services  
in “Other Specified Uses” annotated “Business” zone,  
Shops C1 and C2, G/F, Garment Centre,  
576-586 Castle Peak Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/677)

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**Presentation and Question Sessions**

3.            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 use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper.

The proposed shop and services use at the premises was not incompatible with the uses of the subject industrial building which mainly comprised testing laboratories and vacant premises on the ground floor, and office and trading firms on the upper floors. It complied with the Town Planning Board Guidelines for Development within “OU(Business)” Zone (TPB PG-No. 22D) in that it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. According to D of FS, the subject building was subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. As the permissions under Application Nos. A/K5/586 and A/K5/588 were abandoned/had expired, the aggregate commercial floor area of approved applications for ‘Shop and Services’ uses on the ground floor of the subject building, including the subject application, would be 471.525m<sup>2</sup>, which would slightly exceed the maximum permissible limit of 460m<sup>2</sup> (+11.525m<sup>2</sup> or 2.4%). However, D of FS had no objection to the slight exceedance of the maximum permissible limit of 460m<sup>2</sup> and hence no objection to the application.

4. Members had no question on the application.

#### Deliberation Session

5. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separating the subject premises from the industrial portion of the building 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; and

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

6. The Committee also agreed to advise the applicant:

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary wavier for the proposed shop and services use at the subject premises; and
- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the change in use would comply with the Buildings Ordinance, in particular, the provision of 2-hour fire resisting separation walls between the Premises and the remaining portion of the building in accordance with Building (Construction) Regulation and Code of Practice for Fire Resisting Construction 1996 and provision of access and facilities for persons with a disability under Building (Planning) Regulation.

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

[Miss Kitty K.Y. Chiu, STP/TWK, was invited to the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/107

Renewal of Planning Approval for

Temporary Golf Driving Range and Golf Academy

for a Period of 6 Weeks (i.e. up to 12 December 2009)

in "Comprehensive Development Area (1)" and an area shown as 'Road', 8 Wui Cheung Road, West Kowloon Reclamation

(MPC Paper No. A/K20/107)

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7. In response to an enquiry from a Member, the Chairperson clarified that according to the Board's practice, only executive directors of a club would need to declare interests and ordinary members would not be required to declare interests.

#### Presentation and Question Sessions

8. Miss Kitty K.Y. Chiu, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – Application No. A/K20/100 for renewal of the planning approval for the temporary golf driving range and golf academy was approved by the Committee on 22.6.2007 for a period up to 31.10.2009;
- (b) the proposed renewal of planning approval for temporary golf driving range and golf academy for a period of 6 weeks from the expiry of the latest approval (i.e. up to 12.12.2009);

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

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The subject golf club had been in operation since April 1999 and no complaints had been received from the surrounding residential/commercial developments. The development parameters in the current application were the same as in the previous scheme (No. A/K20/100). The planning permission would only cover 6 weeks and District Lands Officer/Kowloon

West had advised that the Short Term Tenancy of the site would be terminated on 13.12.2009. In this regard, the planning intention of the site for comprehensive development of the Guangzhou – Shenzhen – Hong Kong Express Rail Link West Kowloon Terminus and office/commercial development and the associated road works would not be jeopardized. The application was also in line with the Town Planning Board Guidelines on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34A).

9. Members had no question on the application.

#### Deliberation Session

10. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 weeks up to 12.12.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maintenance of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

11. The Committee also agreed to advise the applicant to seek advice from the relevant authorities such as Hong Kong Professional Golfers’ Association and the Hong Kong Golf Association in designing, building, managing and developing the academy in particular appropriate ancillary facilities for children, disabled persons and students.

[The Chairperson thanked Miss Kitty K.Y. Chiu, STP/TWK, for her attendance to answer Members’ enquiries. Miss Chiu left the meeting at this point.]



## **Hong Kong District**

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

### **Agenda Item 5**

[Open Meeting]

Further Consideration of the Draft Planning Brief for the “Comprehensive Development Area(1)” Site at 14-30 King Wah Road, North Point  
(MPC Paper No. 25/09)

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12. The Secretary reported that the subject site was owned by a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mr. Raymond Y.M. Chan had declared an interest on this item as he had current business dealings with HLD. Dr. Daniel B.M. To also declared an interest as he was a Member of Eastern District Council which had previously passed motions in relation to the subject item.

[Mr. Raymond Chan and Dr. Daniel To left the meeting temporarily at this point.]

[Ms. Sylvia Yau and Mr. Felix Fong arrived to join the meeting at this point.]

### **Presentation and Question Sessions**

13. With the aid of a Powerpoint presentation, Mr. Tom Yip, STP/HK, presented the item and covered the following aspects as detailed in the Paper:

#### **Background**

- (a) the subject site, with a site area of 3,490m<sup>2</sup>, was located at the waterfront in an area zoned “Comprehensive Development Area (1)” on the approved North Point Outline Zoning Plan No. S/H8/22. The southern part of the site, covering 80% of the total site area, was subject to a maximum building

height of 165mPD and a maximum plot ratio of 15. The northern part of the site was subject to a maximum building height not exceeding the soffit level of Island Eastern Corridor;

- (b) on 17.4.2009, the Committee considered the draft planning brief (PB) and agreed that the draft PB was suitable for briefing/consultation with the LegCo Case Conference, Harbour-front Enhancement Committee (HEC) and Eastern District Council (EDC). The maximum building height as set out in the draft PB was 110mPD, and the maximum plot ratios based on the development site area were 8 and 12 for residential and office developments respectively. The maximum site coverage was 60% (below 15m) and 33.33% (above 15m) for residential development and 60% for office development; and
- (c) between May and August, the PB was submitted to the LegCo Case Conference, the Sub-committee on Harbour Plan Review of the HEC (HEC Sub-committee) and the Planning, Works and Housing Committee (PWHC) of the EDC for consideration. In addition, there were also written submissions from the “Coalition Against the Proposed Development on King Wah Road” (the Coalition), as well as from a Legislative Councilor and some EDC members from the Democratic Party.

Views received on the draft PB

The views received on the draft PB were summarized as follows:

- (d) Development intensity
- the development intensity should be further reduced in light of public interest and aspiration of the local residents;
  - the development intensity should be in line with the ex-North Point Estate site with maximum plot ratio and building height reduced to 3 (equivalent to a net plot ratio of 5.6) and 80mPD respectively, or the

height of the previous godown at the site (10 storeys);

- according to the Hong Kong Planning Standards and Guidelines (HKPSG), the maximum domestic plot ratio for “CDA” site was 6.5, instead of 8 as proposed;

(e) Visual and Air Ventilation

- according to HKPSG, taller buildings should be located inland with lower developments on the waterfront;
- visual quality and air ventilation in the area would be affected, particularly the residential development to the south (Fu Lee Loy Mansion);

(f) Non-building area (NBA)

- the 8m NBA along the south-western side of the site should be widened to 10m or 12m to align with Fook Yum Road;
- to allow public use of the 15m NBA in the north and 6m setback in the south;

(g) Traffic

- the Government should conduct its own traffic impact assessment (TIA) or request the developer to use the consultants specified by the Government. Regional TIA should be regularly conducted to update the traffic condition;
- the development proposal would worsen the vehicular and pedestrian traffic;

(h) Greening ratio

- a greening ratio should be stipulated;

(i) Bonus plot ratio

- there were concerns that if bonus plot ratio was granted by the Building Authority (BA), the plot ratio in the PB would be exceeded; and

(j) Open Space

- the site should be rezoned to “Open Space” as there was a lack of open space in the area.

[Mr. Nelson Chan left the meeting at this point.]

*Proposed amendments to the draft PB*

Relevant Government departments had been consulted on the views received on the PB. In response to the views expressed, amendments to the PB were proposed as follows:-

(k) Development Intensity

- the net domestic plot ratio was proposed to be reduced from 8 to 7.5. This was equivalent to a reduction of gross plot ratio from 6.38 to 5.98. The revised plot ratio was similar to that of other ex-“Other Specified Uses” annotated “Comprehensive Redevelopment Area” (“OU(CRA)”) sites in North Point, e.g. City Garden, Provident Centre and Harbour Heights, where the gross domestic plot ratio was 6. Correspondingly, the maximum net plot ratio for office development was also proposed to be reduced from 12 to 11;

- it would be specified in the PB that even if bonus plot ratio was granted by the BA, the plot ratio restriction in the PB should not be exceeded;

(l) Building Height (BH)

- a stepped BH concept had been adopted in the OZP. The area around the site (including Harbour Heights and Fu Lee Loy Mansion with existing BH at 120-123mPD and 68mPD respectively, as well as the sites to the further south north of King's Road) was subject to a BH restriction of 110mPD, while the area to the south of King's Road was subject to 120 mPD and 130mPD, with provisions for redevelopment to the existing BHs, whichever was higher;
- no change had been proposed for the maximum BH in the PB, as the maximum BH of 110mPD in the draft PB was considered consistent with the predominant BH restrictions for the adjacent sites and the overall stepped BH concept on the OZP. The maximum BH proposed in the PB was considered appropriate in the site context;

(m) NBA

- The LegCo Case Conference's suggestion had been adopted to widen the 8m NBA along the south-western side of the site to 10m to align with Fook Yum Road, and to provide an additional 2m setback at the ground level of the building; and

(n) Greening ratio

- a minimum greening ratio of 20% based on the gross site area for greenery was proposed, with a minimum of 10% at the ground level. The remainder could be located on the ground, podium and rooftop levels.

Photomontages showing the proposed development with the above amendments

incorporated were shown to the Committee.

Responses of PlanD to Other Issues

PlanD's responses to other issues were summarized as follows:

(o) Development intensity

- regarding the concerns that the proposed development intensity was not in line with the HKPSG requirements, it should be noted that although the maximum domestic plot ratio for "CDA" would normally be 6.5, higher plot ratios might be allowed depending on local circumstances where infrastructure capacity permitted, and a non-domestic plot ratio component might also be included in addition to the domestic plot ratio, up to the maximum permitted under the Building (Planning) Regulations of the Buildings Ordinance. For example, for a composite development with a domestic plot ratio of 6.5 at a Class A site, a further non-domestic plot ratio of 2.8 would be allowed in accordance with the composite formula under the Building (Planning) Regulations, resulting in a total plot ratio of 9.3, which was greater than the proposed plot ratio of 8 for residential development under the original draft PB;
- as for the request to lower the development intensity and building height to those of the ex-North Point Estate site, the subject site was considered different from the ex-North Point Estate site in terms of their characteristics and the surrounding environments. Considering that the development intensities of the surrounding commercial and residential developments were comparable with those proposed in the revised draft PB, it was inappropriate to further reduce the maximum plot ratio and building height to the level of those of the ex-North Point Estate site;

(p) Visual and Air Ventilation

- regarding the concerns that the proposed development parameters were

not in line with the principle in the HKPSG that “taller buildings should be located inland, with lower buildings on the waterfront”, it should be noted that there were other principles in the HKPSG including diversity in building mass and varying building height profile along the waterfront. The maximum building height of 110mPD was proposed having due regard to these guidelines and other relevant planning considerations;

- as for the concerns on wall effect and air ventilation impacts, restrictions on site coverage, NBA and setback had already been stipulated in the PB to minimize visual impacts and improve air ventilation. An Air Ventilation Assessment (AVA) was also conducted when the North Point OZP was amended to include the building height restrictions. The results of the AVA indicated that the subject part of the North Point waterfront was generally well ventilated;

(q) NBA

- concerning the request to allow public use of the 15m NBA at the northern part and the 6m setback at the southern part of the Site, it was already stipulated in the PB that these areas should be properly landscaped so as to enhance amenity in the area and the 10m NBA along the south-western boundary was required to be open to the public in the PB. As the request would further reduce the area available for private use, it would be more appropriate to assess the feasibility of the proposal at the planning application stage;

(r) Traffic

- regarding the concerns that the TIA might not be independently prepared, the Transport Department had advised that there were well-established guidelines governing the conduct and vetting of TIA. It would also not be appropriate for the Government to determine a list of acceptable TIA consultants as the list might not be agreeable to the developers and there might be disputes between the listed consultants and developers on fees

and work arrangements;

- on the request to conduct regional TIAs regularly, TD would regularly review the traffic conditions in different districts and conduct regional TIAs for individual districts on a need basis with due regard to the traffic conditions and availability of resources. As for traffic impacts arising from the proposed development at the subject site, the developer was required to conduct a TIA at the planning application stage to examine the impacts of the proposed development on the vehicular traffic and pedestrian flow in the area; and

(s) Open Space

- concerning the suggestion to rezone the subject site into an “Open Space”, it should be noted that there was an overall surplus of 6.6 ha of open space for the North Point Planning Scheme Area, taking into account all existing and planned provisions. In addition, a 3 ha open space was planned on the waterfront to the north of the site, and a total of 6,400m<sup>2</sup> of public open space was proposed at the ex-Government Supplies Department Depot site and its adjoining area at Oil Street. In view of the above, it would not be necessary to rezone the site to “Open Space”.

14. Noting that the “CDA(1)” zoning allowed for either residential or commercial development, a Member asked how the developer could be encouraged to develop a residential building which could result in a lower building bulk. Ms. Brenda Au explained that the PB had stipulated that residential development was encouraged and PlanD had also been under discussion with the developer, who indicated his preference for the residential option at this stage. In any event, the proposal would have to be submitted to the Committee for consideration at the s.16 planning application stage. The Chairperson commented that the developer had the right to determine whether a residential or commercial development would be proposed and the PB only stipulated the development parameters under each development option.



15. A Member asked whether the minimum greening ratio of 10% at ground level could be increased for the enjoyment of pedestrians in view of the waterfront location of the site. Ms. Brenda Au replied that the minimum greening ratio at ground level was determined taking into account the need to provide space for pedestrian movement. As a s.16 application would be required for the subject development, by setting a minimum ratio of 10%, it would be for the developer to demonstrate to the Committee whether more ground level greening could be provided.

16. A Member commented that the greening area might also allow public passage. The Member asked whether the public walkway along the south-west side of the site could be used for greenery purposes. Ms. Brenda Au replied that with a maximum site coverage of 60% it might be possible to increase the greening ratio by making use of the areas not covered by the building (i.e. about 40% of the site area), which included the public walkway, but there was a need to balance the design flexibility allowed for the future development. The Chairperson said that part of the public walkway could be considered for greenery purposes so as not to affect pedestrian movement.

17. The Chairperson drew Members' attention to the two documents submitted by a group of Eastern District Council Members and the Coalition respectively which were tabled at the meeting and asked DPO/HK to introduce them. Ms. Brenda Au explained that the points raised in the documents were similar to those covered in the MPC Paper and the appendices and PlanD's responses had been presented in the paper and in the preceding presentation.

18. The Chairperson invited Members to consider whether flexibility should be maintained in the planning brief to allow the site to be developed for either residential or office uses. Members generally agreed that flexibility should be given to the developer to choose between the two options.

19. The Chairperson then invited Members to consider whether the proposed development parameters, i.e. plot ratio, site coverage and building height were appropriate. A Member asked whether it was appropriate to reduce the maximum plot ratio for office development to the same level as the residential development so as to reduce the building bulk. Ms. Brenda Au replied that the proposed plot ratio of 11 was commensurate with

those of the nearby developments, including Harbour Heights and City Garden, with plot ratios ranging from 9.75 to 11. It might not be appropriate to reduce the plot ratio of office development to 7.5. In addition, as the developer would be required to submit a s.16 application for the subject development, Members could consider if an office development with a plot ratio of 11 would be acceptable at the application stage.

20. The Chairperson said that the maximum plot ratio was normally higher for a non-domestic building (with a maximum of 15) than for a domestic building (with a maximum ranging from 8 to 10). Noting that the site was subject to a maximum plot ratio of 15 as stipulated under the OZP, and the long planning history involved in reducing the plot ratio of the proposals submitted, Members would have to determine an appropriate plot ratio suitable for the site, bearing in mind that further lowering of the plot ratio would further reduce the value of the subject site. A balance had to be struck.

21. A Member said that there was no strong reason to depart from the usual practice of a higher plot ratio for a non-domestic building than that for a domestic building. Members generally agreed to the plot ratios proposed.

22. The Chairperson asked Members to consider whether the maximum site coverage and building height were appropriate. Members generally agreed to both development parameters.

23. The Chairperson then invited Members to consider whether the minimum greening ratio was appropriate. A Member said that it would be better if the minimum greening ratio at ground level could be increased to, say, 15%. The Vice-Chairman agreed that the development would be given the flexibility to determine whether a residential or an office development would be more appropriate. Regarding the greening ratio, he asked if the greening ratio of the adjacent hotel could provide a reference. Ms. Brenda Au said that she did not have the information in hand but she had the impression that the greening ratio would not be high. She also said that the achievable greening ratio might be lower for an office development than a residential development. The Chairperson asked PlanD to look into the feasibility of increasing the greening ratio at ground level, and report the findings at the next Committee meeting.

24. The Chairperson asked Mr. H.L. Cheng to comment on the traffic implications

arising from the proposed development. Mr. Cheng commented that an office development would generate more traffic as compared with a residential development. According to the TIA submitted earlier by the developer, the traffic impact arising from both options was considered acceptable. The impacts on the pedestrian flow in the surrounding area was also acceptable. TD had plans to improve the footpath along Oil Street between King's Road and Electric Road to ease pedestrian congestion.

25. Members also agreed to the proposed NBA and considered the visual and air ventilation impacts arising from the proposed development acceptable.

26. After further deliberation, the Committee decided to :

- (a) note the views of the LegCo Case Conference, the HEC Sub-committee, the PWHC of the EDC, the Coalition and the Legislative Councillor and EDC Members of the Democratic Party on the draft PB as summarized in paragraphs 3.1 to 3.6 of the Paper and detailed in Attachments IV to VII of the Paper;
- (b) endorse the revised draft PB at Attachment I of the Paper, which had incorporated the relevant proposed amendments, other than the minimum greening ratio at ground level; and
- (c) ask PlanD to report back on the feasibility of increasing the greening ratio at ground level.

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

[Mr. C.M. Li, STP/TWK, was invited to the meeting at this point.]

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H1/89                      Proposed Public Utility Installation (Micro-cell Base Station)  
   in areas shown as 'Road',  
   Pavement of Victoria Road, Mount Davis (near Villa Primavera)  
   (MPC Paper No. A/H1/89)

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27.                      The Secretary reported that the application was submitted by SmarTone Mobile Communications Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd (SHKP). Mr. Raymond Chan and Mr. Felix Fong had declared interests on this item as they have current business dealings with SHKP. The Committee noted that Mr. Chan had already left the meeting temporarily.

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

[Mr. H.L. Cheng and Mr. Walter Chan left the meeting temporarily at this point.]

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed public utility installation use (micro-cell base station (MCBS));

[Ms. Olga Lam left the meeting temporarily at this point.]

- (c) departmental comments –Transport Department (TD) and Highways Department (HyD) had no objection to the application. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L,

PlanD) commented that the proposed MCBS would reduce the usable width of the existing pedestrian walkway, causing impediment to pedestrian movement. The applicant should use their best efforts to reduce the size of the station and/or look for another location that would entail minimal impediment to pedestrian movement. The Director of Health (D of Health) commented that, according to the World Health Organization, so far there was no convincing scientific evidence showing that low level radio frequency signals from radio base stations would cause adverse health impacts to humans if the operation of the proposed base station met the relevant sets of exposure limits recommended by the International Commission on Non-ionizing Radiation Protection (ICNIRP);

[Dr. Daniel To, Mr. Walter Chan and Mr. H.L. Cheng returned to join the meeting at this point.]

- (d) no public comment was received during the statutory publication period. The District Officer (Central and Western) commented that according to his previous consultation for similar applications with the Shek Tong Tsui and Kennedy Town Area Committee, the issues the locals were most concerned with were whether the MCBS would occupy a large portion of the pavement and cause inconvenience to the pedestrians, as well as whether it would release harmful waves; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 9 of the Paper. According to the applicant, the proposed MCBS, which involved the installation of an equipment cabinet and an antenna on the top of an existing lamp pole on the pavement of Victoria Road, was to improve the mobile phone coverage throughout Mount Davis and the surrounding area. The applicant had previously considered four alternative locations in the area for the installation of the MCBS. The proposed location was the only one meeting TD's and HyD's requirements as well as providing the best signal coverage to the public. In addition, the size of the equipment cabinet had been kept to the minimum and the cabinet had been placed far away from the kerb with a clear footpath width of 1.54m, which was

greater than the requirement of 1.5m under HyD's guidelines. The subject pavement of Victoria Road was away from the major populated area and pedestrian flow on the pavement was relatively low. Regarding the public concern on harmful waves, based on the comments of D of Health, the proposed MCBS would unlikely cause adverse health impacts to pedestrians on Victoria Road.

29. Noting that the usable width of the footpath would be reduced, a Member asked whether the proposed MCBS could be located at Mount Davis Path. By referring to Drawing A-3, Ms. Brenda Au replied that the subject location was considered suitable for the area requiring improvements in signal coverage.

30. A Member asked whether it was possible to install the equipment cabinet on a raised platform to avoid occupying the space on the footpath. Ms. Brenda Au replied that as the cabinet would need to be connected to the utility pipeline underground, the connection between the cabinet and the ground level might result in adverse visual impacts. Besides, the amount of space that could be saved would be limited as the platform itself would occupy certain amount of space. She said that the resultant width of the footpath would be 1.54m which was above HyD's minimum requirement of 1.5m.

#### Deliberation Session

31. A Member said that as there was a bus stop at the other side of the road, there were more pedestrians along Mount Davis Road than on the side of Victoria Road where the proposed MCBS was located. In response to a question from the Chairperson, Mr. H.L. Cheng confirmed that the clear footpath width of 1.54m between the kerb line and the proposed equipment cabinet was acceptable as pedestrian flow in the area was low.

32. A Member asked whether the applicant had considered locating the MCBS at Mount Davis Path where there were fewer pedestrians. Ms. Brenda Au replied that the applicant had considered a location close to the slopes abutting Mount Davis Path but concluded that the signal coverage was not satisfactory.

33. After further deliberation, the Committee decided to approve the application, on

the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2013, 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.

34. The Committee also agreed to advise the applicant :

- (a) to note the comments of the Chief Estate Surveyor/Estate Management, Lands Department that if the application was approved, Block Short Term Tenancy to include the proposed installations subject to payment of appropriate administrative fee would be necessary;
- (b) to note the comments of the Assistant Commissioner for Transport/Urban, Transport Department and Chief Highway Engineer/Hong Kong, Highways Department that their offices reserved the right to request removal/relocation of the proposed facilities for necessary road widening/improvement works in future at the cost of the applicant;
- (c) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department that the proposal should be circulated to the relevant utility undertakings for comments; and
- (d) to note the comments of the Director of Electrical and Mechanical Services that electricity supplier should be approached for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site and carry out appropriate measures if necessary.

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/390                      Proposed Hotel in “Residential (Group A)” zone,  
Nos. 20-26, Staunton Street, Hong Kong  
(MPC Paper No. A/H3/390)

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35.                      The Secretary reported that the application was submitted by King Century Ltd. and Jade Line Ltd., both subsidiaries of Sino Land Co. Ltd. (Sino). Mr. Raymond Chan and Mr. Felix Fong had declared interests on this item as they had current business dealings with Sino. The Committee noted that Mr. Chan had left the meeting temporarily and Mr. Fong had already left the meeting.

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

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed hotel use;
- (c) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) did not support the application as the proposed development intensity was considered excessive from a traffic viewpoint. The site was too small to accommodate the internal transport facilities up to the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), and the carriageway and pavement at the site frontage was too narrow to accommodate any on-street activities generated by the proposed development. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered the



development scale and intensity of the proposed hotel excessive and incompatible with the existing human scale and local character of the neighbourhood from a visual perspective;

- (d) during the statutory publication period, 177 public comments were received. One of them supported the application and considered that a hotel was needed to cater for the demand in this area. The other 176 public comments had adverse comments on the application, with 168 objecting to the application. The major grounds of objection included adverse traffic and environmental impacts, incompatibility with the local character, and impacts on structural safety; and
  
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. Since mid-2007, except 3 hotel applications which either involved amendments to a previously approved scheme or in-situ conversion of existing commercial/office buildings to hotels, no proposed hotel development within “R(A)” zone with a plot ratio (PR) of 15 had been approved on Hong Kong Island mainly for the reason that such development was not compatible with the adjoining residential developments in terms of building bulk and development intensity. A PR of about 12 was considered generally acceptable for new hotel developments in the “R(A)” zone as the development intensity was more compatible with residential developments with permitted PR of 8 to 10 in general. AC for T/U did not support the application as the proposed development intensity was considered excessive. The site was too small to accommodate the internal transport facilities up to HKPSG standards, and the carriageway and pavement at the site frontage were too narrow to accommodate any on-street activities generated by the proposed development. Approval of the application would set an undesirable precedent for similar hotel developments within the district, the cumulative effect of which would adversely affect the general amenity in the area.

37. Members had no question on the application.

Deliberation Session

38. The Chairperson said that the site was the subject of a previous planning application for a proposed office, shop and services and eating place with a plot ratio of 15 and a building height of 25 storeys (113.23m in absolute terms). The application was rejected by the Board on review on 14.3.2008. One of the reasons for rejection was that the proposed commercial use, plot ratio and building height were incompatible with the low-rise residential nature of the surrounding areas. The proposed building height of 33 storeys in the current application was even higher than the previously rejected application.

39. In response to the Chairperson's enquiry, Ms. Brenda Au explained that the proposed hotel was considered incompatible with the surrounding development in terms of the development intensity and height, and not the use itself.

40. A Member noted the large number of public comments objecting to the application and commented that the application should not be supported in view of the narrow road in front of the site and the adverse traffic impact generated. Another Member said that the building height of the proposed development was not compatible with the surrounding developments.

41. Members generally agreed that the application should not be supported as the proposed hotel development was incompatible with the local character and surrounding developments in terms of the development intensity and building height.

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

- (a) the proposed hotel development, with a plot ratio of 15 and a building height of 175.85mPD, was considered excessive and incompatible with the local character and surrounding developments in terms of development intensity and height;
- (b) the proposed development would generate adverse traffic impact in the area;

and

- (c) the approval of the application would set an undesirable precedent for similar hotel developments, the cumulative effect of which would adversely affect the general amenity in the area.

[The Chairperson thanked Mr. C.M. Li, STP/HK, for his attendance to answer Members' enquiries. Mr. Li left the meeting at this point.]

[The meeting was adjourned for a break of five minutes at 10:35 a.m.]

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

[Mr. David C.M. Lam, STP/HK, was invited to the meeting at this point.]

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/234	Proposed Hotel in "Other Specified Uses" annotated "Business(1)" zone, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong (Aberdeen Inland Lot 354) (MPC Paper No. A/H15/234)
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43. The Secretary reported that the application was submitted by Wide Global Investment Ltd., which was a subsidiary of Cheung Kong Holdings Ltd. (CKH). Mr. Felix Fong had declared interests on this item as he had current business dealings with CKH. The Committee noted that Mr. Fong had already left the meeting.

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

44. 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 hotel use;
- (c) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no in-principle objection to the application subject to the scheduled completion of the proposed development by 2014. If the application was approved and the applicant applied for an extension of the time period of the validity of the planning permission, an updated traffic impact assessment (TIA) was required for his consideration. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no in-principle objection to the application but recommended approval conditions on tree preservation and landscaping, as well as the set back of the south-western part of the podium of the proposed development to align with the adjoining building;
- (d) during the statutory publication periods, two public comments were received. One of them was submitted by New World First Bus Services, which stated that buses were required to queue up at Heung Yip Road at night in order to enter its Wong Chuk Hang depot. The proposed hotel development would worsen the traffic flow in the area and therefore it had strong reservation towards the application. The other comment was submitted by Designing Hong Kong Ltd., which objected to the application for the reason that the traffic generated by the proposed hotel development would increase the need for the future extension of Route 4, resulting in undesirable reclamation; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed hotel development was in line with the planning intention of the “OU(B)” zoning and would facilitate the transformation of Wong Chuk Hang into a business area. The proposed hotel development would also contribute to the supply of hotel rooms. To address AC for T/U, TD and

CTP/UD&L's concerns, appropriate advisory clause and approval conditions had been recommended for Members' consideration. As regards the public concerns on the traffic impacts, it should be noted that AC for T/U, TD had no in-principle objection to the application and also considered that it was not appropriate to relate the subject application to the proposed Route 4 Extension which was still at a very preliminary stage.

45. Members had no question on the application.

#### Deliberation Session

46. Noting that the applicant proposed to surrender a strip of land abutting Heung Yip Road to the Government to allow for widening of the existing pavement to 3m in width, the Chairperson asked whether any landscaping would be provided in the setback area and whether the area was wide enough for tree planting. Mr. David Lam replied that an approval condition on the submission and implementation of tree preservation scheme and landscape proposal had been recommended. The setback requirement to provide a 3m wide pavement was stipulated in the outline departmental plan for developments along Heung Yip Road. A similar set back requirement was also included in the approved hotel scheme at the site to its immediate west.

47. While supporting the setback requirement, a Member considered that tree planting should be introduced along the pavement of Heung Yip Road. He further asked whether there would be noise impacts arising from the nearby bus depot. Mrs. Shirley Lee replied that the proposed hotel development was provided with central air conditioning and therefore noise impacts would not be a major concern.

48. Noting that a total of 14 planning permissions for hotel developments had been granted in Wong Chuk Hang since 2003, the Vice-Chairman asked how many of these approved schemes had been implemented. Ms. Brenda Au replied that two of the approved schemes had commenced. A total of nine sites still had valid planning permissions for hotel developments.

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

49. A Member asked whether there could be a landscaping requirement at the application site to allow continuity with the landscape area in the adjoining sitting-out area or at the side fronting the nullah. Ms. Brenda Au replied that the applicant could be required to provide landscape at the area fronting the nullah so as to link up with the landscape area as proposed in the approved hotel development to the immediate west of the application site.

50. In response to a question from the Chairperson, Ms. Brenda Au replied that the non-building area (NBA) fronting the nullah as shown in Drawing A-4 was a drainage reserve and public access was not allowed. The Chairperson said that as public access was not allowed in the landscaped area of the adjacent hotel, public access to the subject site would unlikely serve any useful purposes.

51. The Chairperson proposed that it should be specified in the approval condition that tree planting was required along Heung Yip Road and landscaping was required along the NBA fronting the nullah. Members agreed.

52. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2013, 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 setting back of the proposed development by 3m along Heung Yip Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of the vehicular access and internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the setting back of the south-western part of the podium of the proposed development to align with the adjoining building 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 proposal, including a tree planting proposal along Heung Yip Road and a landscape proposal at the non-building area fronting the nullah, to the satisfaction of the Director of Planning or of the TPB; and
- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

53. The Committee also agreed to advise the applicant:

- (a) that the approval of the application did not imply that the proposed non-domestic plot ratio, gross floor area exemption for the back-of-house facilities, and the bonus plot ratio and site coverage of the hotel development would be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. In addition, if hotel concessions in particular the non-domestic plot ratio of the development was not granted by the BA and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, BD in respect of the bonus plot ratio, gross floor area calculation and exemptions, and the requirements on the building design;
- (c) to note the comments of the Assistant Commissioner for Transport/Urban, Transport Department that should an application for extending the time period of the validity of the planning approval be submitted, the application should be accompanied with an updated traffic impact assessment;
- (d) to apply to the District Lands Officer/Hong Kong West & South, Lands Department for lease modification for the hotel development at the site;
- (e) to note the comments of the Director of Fire Services regarding the compliance with the Code of Practice for Means of Access for Firefighting;

and

- (f) to note that in drawing up the landscaping proposal for tree planting along Heung Yip Road, further setback of the proposed development might be necessary.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting]

A/H15/237

Proposed Hotel

in “Other Specified Uses” annotated “Business(1)” zone,

64 Wong Chuk Hang Road, Wong Chuk Hang, Hong Kong

(MPC Paper No. A/H15/237)

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54. The Committee noted that the applicant’s representative had requested on 21.8.2009 for deferment of the consideration of the application for one month in order to allow time to prepare additional information to address the departmental concerns.

55. After further deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of 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’ enquiries. Ms. Au and Mr. Lam left the meeting at this point.]



**Kowloon District**

[Mr. Vincent T.K. Lai, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/97                      Proposed Minor Relaxation of Building Height Restriction  
from 80mPD to 84.5mPD for Permitted Residential Use  
in “Residential (Group B)” zone,  
211-215C Prince Edward Road West, Ho Man Tin, Kowloon  
(KIL No. 2340 RP)  
(MPC Paper No. A/K7/97)

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**Presentation and Question Sessions**

56.            Mr. Vincent T.K. Lai, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 80mPD to 84.5mPD for permitted residential use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, 12 public comments were received. Four of them supported the application for reasons of positive visual impact and amenity. The other eight public comments objected to the application for the reasons of insufficient justifications provided by the applicant for the minor relaxation, inappropriate location of the sky garden,

environmental nuisance, adverse impacts on amenity and air ventilation, breach of privacy, and devaluation of neighbouring properties; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. There was insufficient information to demonstrate that the proposed redevelopment with a 4.5m-high sky garden could not be achieved without a minor relaxation of the building height restriction. The applicant had not demonstrated that alternative designs had been explored to accommodate the proposed 4.5m-high sky garden within the statutory building height restriction. There was insufficient information in the submission to show how the streetscape and the street-level public space fronting the application site and the surrounding area would be improved with the sky garden at about 18m above Prince Edward Road West. The approval of the application would set an undesirable precedent for similar applications within the “R(B)” zone, the cumulative effect of which would undermine the purpose of imposing the building height restriction of 80mPD in the area.

57. Members had no question on the application.

#### Deliberation Session

58. The Chairperson asked Members to consider if the provision of sky garden itself should be a planning merit to justify the proposed relaxation of building height restriction. A Member said that it appeared that there were alternative designs to accommodate the sky garden without relaxing the building height restriction. The Member considered that there was no planning justification for the proposed relaxation of building height restriction.

59. Referring to the comments of the Director of Environmental Protection on noise concerns in paragraph 8.1.6, a Member asked whether any measures could be taken to mitigate the noise impacts. Mrs. Shirley Lee replied that the applicant should be urged to undertake noise mitigation measures to reduce traffic noise exposure as far as possible. The Chairperson said that Members might consider advising the applicant to improve the design

of the building to minimize the traffic noise impacts.

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

- (a) there were insufficient planning justifications and design merits in the submission for the proposed relaxation of the building height restriction;
- (b) there was insufficient information in the submission to demonstrate that the proposed redevelopment could not be achieved without minor relaxation of the building height restriction; and
- (c) the approval of the application would set an undesirable precedent for other similar applications.

61. The Committee also agreed to advise the applicant to improve the design of the building to reduce traffic noise exposure as far as possible.

[The Chairperson thanked Mr. Vincent T.K. Lai, STP/K, for his attendance to answer Members' enquiries. Mr. Lai left the meeting at this point.]

[Miss Helen L.M. So, STP/K, was invited to the meeting at this point.]

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/598            Temporary Eating Place for a Period of 2 Years  
in "Comprehensive Development Area (1)" zone,  
Ground Floor, Shop B, Fu Yan Building,  
Nos. 87, 87A, 89A, 91, 91A, 93, 93A, 95, 95A, 97 & 99 Fu Yan Street,  
Kwun Tong, Kowloon  
(MPC Paper No. A/K14/598)

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62. The Secretary reported that the subject site fell within the Urban Renewal Authority (URA) Kwun Tong Town Centre (KTTC) – Main Site Development Scheme Plan and the following Members had declared interests in this item:

- |  |  |  |
|--|--|--|
| Miss Ophelia Wong  | ]  |  |
| as the Acting Director of Planning                       | ] being non-executive directors of the URA   |  |
|  | ]  |  |
| Mr. Walter K.L. Chan                                     | ]  |  |
|  |  |  |
| Mr. Maurice W.M. Lee                                     | - being a former non-executive director of the URA with the term of office ended on 30.11.2008   |  |
|  |  |  |
| Professor Bernard V.W.F. Lim                             | - having current business dealings with the URA  |  |
|  |  |  |
| Mr. Nelson W.Y. Chan                                     | - being a Member of the Kwun Tong District Advisory Committee (DAC) of the URA                   |  |
|  |  |  |
| Ms. Starry W.K. Lee                                      | - being an ex-Member of the Kowloon City DAC of the URA  |  |
|  |  |  |
| Mr. Raymond Y.M. Chan                                    | - being a Member of the Home Purchase Allowance (HPA) Appeals Committee                          |  |
|  |  |  |
| Ms. Olga Lam   | - being an assistant to the Director of Lands who was a non-executive director of the URA        |  |
| as the Assistant Director of the Lands Department        |  |  |
|  |  |  |
| Mr. Andrew Tsang   | - being an assistant to the Director of Home Affairs who was a non-executive director of the URA |  |
| as the Assistant Director of the Home Affairs Department |  |  |

63. The Committee agreed that Ms. Starry W.K. Lee should be allowed to stay in the meeting as the DAC in which she was an ex-member was advisory in nature to the URA and

the area of work did not relate to the subject application. As the HPA Appeals Committee was not appointed by or under the URA, the Committee agreed that Mr. Raymond Y.M. Chan's interest was indirect and he could stay at the meeting. The Committee noted that Mr. Maurice Lee, Professor Bernard Lim and Mr. Andrew Tsang had tendered apologies for being unable to attend the meeting and Mr. Nelson Chan had already left the meeting. As the Chairperson had declared an interest and needed to leave the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting for this item. The Vice-chairman chaired the meeting at this point.

[Miss Ophelia Wong, Mr. Walter Chan and Ms. Olga Lam left the meeting temporarily at this point.]

#### Presentation and Question Sessions

64. 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 eating place for a period of 2 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment supporting the application was received. In addition, the URA commented that the Master Layout Plan for the KTTC – Main Site was approved by the Committee on 23.1.2009 (Application No. A/K14/576). Fu Yan Building was required for redevelopment by 2012 to meet the scheduled completion for Development Area 3 in 2017-2019; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed eating place use was compatible with the surrounding commercial uses. The proposed temporary eating place would unlikely

affect the current implementation programme of the URA KTTC development, and would help maintain the vibrancy of the town centre prior to the implementation of the KTTC redevelopment project.

65. Members had no question on the application.

#### Deliberation Session

66. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 4.9.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition:

the submission and implementation of fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB.

67. The Committee also agreed to advise the applicant:

- (a) to note the Chief Building Surveyor/Kowloon's comments on the appointment of an Authorized Person to submit building plans for the proposed change of use to demonstrate compliance with Buildings Ordinance, in particular, provision of access and facilities for the persons with disability under Building (Planning) Regulation 72; and
- (b) that the applicant should strictly follow regulatory restrictions when loading/unloading activities were carried out to avoid interfering the mainstream traffic in particular under cumulative effect of nearby road side activities as advised by Transport Department.

[Miss Ophelia Wong and Mr. Walter Chan returned to join the meeting at this point.]

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/599            Proposed Wholesale Trade  
                         in “Other Specified Uses” annotated “Business” zone,  
                         Units B4, C4 & D4, Basement, Block 4, Kwun Tong Industrial Centre,  
                         436-446 Kwun Tong Road, Kwun Tong, Kowloon  
                         (MPC Paper No. A/K14/599)

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**Presentation and Question Sessions**

68.            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 wholesale trade use;
- (c)    departmental comments – the Director of Fire Services (D of FS) objected to the application as the proposed wholesale trade use would attract unreasonably large number of persons who could be exposed to higher risks which they would neither be aware of nor prepared to face in an industrial building. The basement was more susceptible to fire risks and posed more serious hazards when involved in fire. The District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) considered that the proposed wholesale trade was not acceptable under the lease conditions. Lease modification to effect the proposed change was required;
- (d)    during the statutory publication period, two public comments were received. One of the commenters who was the Chairman of Kwun Tong Central Area Committee supported the application. The other commenter had reservation on the application, and considered that if the application

premises was converted to wholesale trade use, there would be more goods vehicles travelling to and from the subject industrial building, causing inconvenience to other units of the building as well as worsening the traffic conditions on Kwun Tong Road outside the subject building; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application involved a change of use on a portion of the basement of an industrial building from industrial to 'wholesale trade' use. The D of FS had raised objection to the application as the proposed wholesale trade use would attract unreasonably large number of persons who could be exposed to higher risks which they would neither be aware of nor prepared to face in an industrial building. Further, the proposed wholesale trade in the basement of the industrial building was more susceptible to fire risk and posed more serious hazards when involved in fire. The adjacent hazards inside the industrial building, including dangerous goods storage/handling, hazardous materials processing, storage of highly combustible material in large quantity, were outside the control of the owner/occupier of the application premises. Under such circumstances, the proposed wholesale trade use in the basement of the subject industrial building was not supported from a fire safety point of view.

69. Members had no question on the application.

#### Deliberation Session

70. The Chairperson asked when the wholesale trade use had begun operation at the application premises. Miss Helen So replied that she did not have the information at hand, but the site was vacant when the previous application was rejected by the Board on review in 2007.

71. After further deliberation, the Committee decided to reject the application and the reason was that the proposed wholesale trade in the basement of an industrial building was considered not acceptable from a fire safety point of view.



**Agenda Item 13**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/600            Proposed Shop and Services (Bank)  
                          in “Other Specified Uses” annotated “Business” zone,  
                          Unit 1 of Workshop, G/F, Camelpaint Buildings Block III,  
                          60 Hoi Yuen Road, Kwun Tong, Kowloon  
                          (MPC Paper No. A/K14/600)

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72.            Mr. Raymond Chan declared an interest in this item as he had a project at a site nearby. Members considered that his interest was indirect and he could remain at the meeting for the item.

Presentation and Question Sessions

73.            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 shop and services (bank) use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment supporting the application was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “OU(Business)” zone was intended for general business uses. It

allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the proposed use would not induce adverse fire safety and environmental impacts. The proposed shop and services (bank) use at the application premises was considered generally in line with this planning intention. The proposed shop and services (bank) use complied with the Town Planning Board Guidelines for Development within the "OU(Business)" Zone (TPB PG-No. 22D) in that it would not generate adverse impacts on fire safety and carparking provision in the existing building and the adjacent areas.

74. Members had no question on the application.

#### Deliberation Session

75. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

76. The Committee also agreed to advise the applicant to:

- (a) apply to the District Lands Officer/Kowloon East for lease modification for the proposed shop and services (bank) use at the subject premises;
- (b) comply with the requirements as stipulated in the Code of Practice for Fire

Resisting Construction as advised by Director of Fire Services; and

- (c) appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the provision of 2-hour fire resisting separation wall between the application premises and the remaining portion of Unit 1 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 as advised by the Chief Building Surveyor/Kowloon.

#### **Agenda Item 14**

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

[Open Meeting]

A/K15/89                      Proposed Flat in “Residential (Group E)” zone,  
No. 4 Shung Shun Street, Yau Tong, Kowloon  
(MPC Paper No. A/K15/89)

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77.            The Committee noted that the applicant’s representative had requested on 17.8.2009 for deferment of the consideration of the application for two months in order to allow time for preparation of an Environmental Assessment to address the concerns of the Environmental Protection Department.

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

[The Chairperson thanked Miss Helen L.M. So, STP/K, for her attendance to answer Members’ enquiries. Miss So left the meeting at this point.]

**Agenda Item 15**

Any Other Business

79.           There being no other business, the meeting was closed at 11:35 a.m.