

**TOWN PLANNING BOARD**

**Minutes of 409th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 4.12.2009**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. K.Y. Leung

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

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

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

Assistant Director/Kowloon, Lands Department  
Ms. Olga Lam

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

Secretary

**Absent with Apologies**

Mr. Maurice W.M. Lee

Hon. Starry W.K. Lee

Professor Bernard V.W.F. Lim

Dr. Winnie S.M. Tang

Mr. Stanley Y.F. Wong

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Mr. J.J. Austin

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 408th MPC Meeting held on 20.11.2009

[Open Meeting]

1. The draft minutes of the 408th MPC meeting held on 20.11.2009 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

- (i) Town Planning Appeal No. 9 of 2009 (9/09)

Proposed Temporary Vehicle Park for Container Vehicles  
and Open Storage of Construction Materials for  
a Period of 3 Years in “Undetermined” zone,  
Lots 894 RP(Part), 895(Part), 967, 968, 969, 970, 971 RP(Part),  
973 RP(Part), 1299 RP(Part) and 1302 RP and  
Adjoining Government Land in D.D. 122,  
Ping Shan, Yuen Long  
(Application No. A/YL-PS/290)

2. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 24.11.2009 against the decision of the Town Planning Board (TPB) on 11.9.2009 to reject on review an application for a proposed temporary vehicle park for container vehicles and open storage of construction materials at the application site in the “Undetermined” (“U”) zone on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/11. The application was rejected by the TPB for the following reasons:

- (a) the development was not compatible with the surrounding areas, in particular the nearby residential structures;
- (b) the application was not in line with the Town Planning Board Guidelines No.

13E as there was insufficient information to demonstrate that the proposed development would not have adverse traffic and environmental impacts on the surrounding areas, and there were adverse departmental comments and local objections on the application; and

- (c) the approval of this application would set an undesirable precedent for similar applications in the eastern part of the “U” zone. The cumulative effects of approving these similar applications would result in degradation of the environment in the area.

3. The hearing date of the appeal was yet to be fixed. The Secretary would represent the Board to handle the appeal in the usual manner.

(ii) Town Planning Appeal Statistics

4. The Secretary said that as at 4.12.2009, a total of 23 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	134
Yet to be Heard	:	23
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	292

**Tsuen Wan and West Kowloon District**

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

[Mr. Leslie Chen arrived to join the meeting at this point.]

**Agenda Item 3**

[Open Meeting]

Proposed Amendments to the  
Draft Kwai Chung Outline Zoning Plan No. S/KC/22  
(MPC Paper No. 32/09)

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5. The Secretary reported that Dr. Winnie Tang had declared interests on this item as she was a member of the Kwai Tsing District Council. Dr. Winnie Tang had tendered apologies for being unable to attend the meeting.

6. Mr. Y.S. Lee, STP/TWK, presented the proposed amendments to the draft Kwai Chung Outline Zoning Plan (OZP) as detailed in the Paper:

- (a) there were two proposed amendment items to the OZP as detailed in paragraph 3 and shown in Annex B of the Paper. Amendment Item A was to adjust the zoning boundaries of four plots of Government land in Kau Wa Keng by rezoning various sites from “Green Belt” (“GB”) to “Government, Institution or Community” (“G/IC”). Three of the sites were currently held by Water Supplies Department and were mainly used as primary service reservoirs, pumping stations and quarters, while the remaining site, which was held by Social Welfare Department, was occupied by the ex-O Pui Shan Boys’ Home. The rezoning was to tally the boundaries of the “G/IC” zones with the land allocation boundaries to facilitate control of development within the “G/IC” zones;

- (b) amendment Item B was to rectify the zoning boundary by rezoning areas involving mainly hillslopes in Kau Wa Keng from “G/IC” to “GB”;
  - (c) it was proposed that the Remarks of the Notes for “CDA”, “R(A)”, “R(B)” and “R(E)” zones regarding the exemption clause on maximum plot ratio be revised to clarify that exemption of caretaker’s quarters was only applicable to domestic building or the domestic part of the building;
  - (d) the Explanatory Statement (ES) of the OZP was also updated to reflect the latest development and planning circumstances of the OZP;
  - (e) concerned bureaux/departments had been consulted and no adverse comments had been received; and
  - (f) it was recommended that, should the Committee agree to the proposed amendments, the Kwai Tsing District Council would be consulted during the exhibition period of the draft OZP No. S/KC/22A (to be renumbered as No. S/KC/23 upon exhibition).
7. Members had no question on the proposed amendments.
8. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the draft Kwai Chung OZP No. S/KC/22 and its Notes as mentioned in paragraphs 3 and 4 of the Paper;
  - (b) agree that the draft Kwai Chung OZP No. S/KC/22A at Annex B of the Paper (to be renumbered as S/KC/23 upon exhibition) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 7 of the Ordinance;
  - (c) agree that the updated Explanatory Statement (ES) at Annex D of the Paper be adopted as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and to be issued under

the name of the Board;

- (d) agree that the updated ES at Annex D of the Paper was suitable for exhibition together with the draft Kwai Chung OZP No. S/KC/22A (to be re-numbered as S/KC/23 upon exhibition) under section 7 of the Ordinance; and
- (e) agree that the updated ES at Annex D of the Paper together with the draft Kwai Chung OZP No. S/KC/22A (to be re-numbered as S/KC/23 upon exhibition) was suitable for consultation with the Kwai Tsing District Council during the exhibition period of the draft OZP.

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

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

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

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/684                      Shop and Services (Showroom for Garments)  
in "Other Specified Uses" annotated "Business" zone,  
Workshop C2, G/F, Block C, Hong Kong Industrial Centre,  
489-491 Castle Peak Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/684)

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

9.            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 shop and services (showroom for garments) use;
- (c) departmental comments – the Director of Fire Services (D of FS) had no in-principle objection to the application provided that the showroom should be used in connection with the main industrial use and that fire service installations were provided to the satisfaction of his department;
- (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 11 of the Paper. The shop and services (showroom for garments) use was considered generally in line with the planning intention of the “OU(Business)” zone. The showroom was not incompatible with the uses of the subject industrial building which mainly involved showrooms of garment and accessories on the ground floor and garment manufacturing/trading firms on the upper floors. It also 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. A previous application for the same use on a temporary basis for 3 years (Application No. A/K5/618) was approved by the Committee on 1.9.2006 and the applicant had fulfilled the relevant approval conditions. There had been no material change in planning circumstances since approval of the previous application.

10. Members had no question on the application.

Deliberation Session



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

- (a) the submission and implementation of fire service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010; 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.

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

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver to permit the applied use should the extent of the applied use exceed that permitted under the current waiver covering the 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.

## **Agenda Item 5**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/685                      Shop and Services (Local Provisions Store/Metal and  
Electrical Shop/Fast Food Counter)  
in “Other Specified Uses” annotated “Business” zone,  
Units 4C2 and 4D, G/F, Elite Industrial Centre,  
883 Cheung Sha Wan Road, Kowloon  
(MPC Paper No. A/K5/685)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the shop and services (local provisions store/metal and electrical shop/fast food counter) use;
- (c) departmental comments – the Director of Fire Services (D of FS) had no in-principle objection to the application subject to fire service installations to be provided to the satisfaction of his department;
- (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 11 of the Paper. The shop and services (local provisions store/metal and electrical shop/fast food counter) use was considered generally in line with the planning intention of the “OU(Business)” zone. It was not incompatible with the

uses of the subject industrial building which mainly involved offices ancillary to industrial and trading firms. It also 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. A previous application for shop and services (local provisions store and metal and electrical shop) (Application No. A/K5/612) at the subject premises was approved by the Committee on 7.4.2006 and the applicant had complied with the approval conditions. There had been no material change in planning circumstances since approval of the previous application.

14. Members had no question on the application.

#### Deliberation Session

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

- (a) the submission and implementation of fire service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010; 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.

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

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver to permit the applied uses 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.

[Mr. Felix Fong and Dr. Daniel To arrived to join the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/686                      Temporary Public Vehicle Park (Excluding Container Vehicle) Use  
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)  
for a Period of 3 Years in “Residential (Group A)” zone,  
Multi-storey Car Park, Yee Kok Court,  
Sham Shui Po, Kowloon  
(MPC Paper No. A/K5/686)

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17.            The Secretary reported that as the application was submitted by The Link Properties Limited (“The Link”), Mr. Walter Chan had declared an interest for being a former member of the Hong Kong Housing Authority and had participated in the listing of The Link in 2006. However, noting that Mr. Chan was not involved in the operation of The Link, Members agreed that there was no interest for Mr. Chan to declare.

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

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

- (a) background to the application – the application premises was the subject of a previous application (No. A/TWK/1) for public vehicle park (excluding

container vehicles) approved by the Committee on 16.4.2004 for a period of three years up to 16.4.2007;

- (b) the temporary public vehicle park (excluding container vehicles) use (letting of surplus monthly vehicle parking spaces to non-residents) for a period of 3 years;
- (c) departmental comments – the Director of Housing had no objection to the application provided that both the residents of Lai Kok Estate and Yee Kok Court would be given priority when letting out the subject vehicle parking spaces. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no objection to the application, but commented that the parking spaces should be let to non-residents on a short-term basis, and the applicant should seek TD's agreement on the actual number of parking spaces to be let to non-residents;

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

- (d) during the statutory publication period, three public comments were received. The Incorporated Owners of Yee Kok Court strongly objected to the application while the Yee Kok Court Management Office and a resident of Yee Kok Court did not support the application, on the grounds that there would be increased management, maintenance and insurance responsibilities on the owners of Yee Kok Court as more vehicles passed through the private road leading to the vehicle park block. The letting of the parking spaces to non-residents would also adversely affect the security, environment and hygiene of Yee Kok Court, and would lead to additional costs to be borne by the residents. There was also concern that the applicant might further increase the rental rate of the residents' vehicle parks once the surplus vehicle parking spaces were rented out. The applicant had not consulted the residents before submission of the application to the Committee; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application based on the assessment made in paragraph 10 of the Paper. The temporary nature of the application for a period of 3 years was considered reasonable as the vacant vehicle parking spaces could be let out to non-residents flexibly while the parking demand could be kept under review. There was no increase in the total number of vehicle parking spaces within Yee Kok Court and a significant increase in traffic arising from the approval of the application was not expected. A previous application No. A/TWK/1 covering the subject vehicle parking block in Yee Kok Court was approved by the Committee on 16.4.2004. There had been no material change in planning circumstances since the previous approval. To address the public concerns, a relevant approval condition requiring the applicant to accord priority to the residents of Lai Kok Estate and Yee Kok Court, and an advisory clause asking the applicant to explain the arrangements to the residents of Yee Kok Court had been recommended. The temporary nature of the permission also allowed further review on the possible impacts of the proposal.

19. A Member asked whether the surplus vehicle parking spaces had been let out to non-residents after the last planning permission lapsed on 16.4.2007. In response, Mr. Mok said that he did not have the relevant information, although there were media reports suggesting that the surplus vehicle parking spaces had continued to be let out to non-residents after the planning permission had lapsed.

20. The same Member asked about the rental rates of the vehicle park. Mr. Mok replied that the applicant had not submitted any information on rentals. As the rental rate was not a planning consideration, PlanD had not requested the applicant to provide such details.

#### Deliberation Session

21. A Member said that although the rental rate was not a planning consideration, the rent charged could determine the demand for vehicle parking spaces, and in turn the vacancy rate of the subject vehicle park. As the current application was about the renting out of the surplus parking spaces, the rent charged was a valid concern.

22. A Member considered that the efficient use of resources was a valid consideration. Another Member considered that as the applicant was a private company rather than a Government department, the issue on the efficient use of public resources would not be relevant.

23. A Member was concerned about the possible increase in management costs arising from the current proposal which might have to be shouldered by the residents of Yee Kok Court. The Member considered that a mechanism should be put in place to require part of the proceeds from the public vehicle park to be used to lower the management costs of the residents' vehicle park. Another Member considered that granting approval to the public vehicle park would only generate more revenue and could in turn be ploughed back to reduce the overall management costs to the benefit of the residents.

24. A Member raised concern that the renting out of surplus parking spaces would only draw business away from other nearby vehicle parks, leading to an increased vacancy rate in those other vehicle parks. The Member doubted whether letting out the parking spaces to non-residents would represent an optimisation of the use of existing facilities. In order to achieve efficiency in the use of existing facilities, consideration should be given to turning the surplus vehicle parking spaces to other GIC uses such as community centres. Another Member recalled that there had been examples of converting surplus parking spaces into other community uses.

25. A Member was concerned that the proposal could lead to vicious competition with other vehicle park providers in the surrounding area. In response to a question from the Chairperson, Ms. Olga Lam replied that the applicant would be required to pay waiver fees to Lands Department, meaning that there were costs in providing for a public vehicle park and there was no question of creating unfair competition.

26. A Member noted that the number of vehicle parking spaces was provided according to the Hong Kong Planning Standards and Guidelines applicable at the time of development. To make better use of the surplus vehicle parks, the Hong Kong Housing Authority submitted to the Committee the previous application and was approved. The Member considered that the current application should not be treated differently only because

of a change of applicant from a Government department to a private company.

27. The Secretary suggested that the Committee should focus on planning considerations only and issues such as the level of rent, management fees and competition between different vehicle park providers were not relevant considerations. The subject premises was originally planned for vehicle parking use and had been considered suitable for vehicle parking purposes. The question before the Committee was that whether it would be acceptable for some of surplus the ancillary vehicle parking spaces in Yee Kok Court to be converted to public vehicle parking spaces to be let out to non-residents.

28. The Chairperson summarized that Members were generally in support of the application from a planning point of view and that the other concerns raised by Members should be conveyed to the applicant. The Chairperson suggested and Members agreed that the applicant should be advised to note the discussions of the Committee on the rental rates and management costs and have better communications with the local residents.

29. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board and subject to the following condition :

priority should be accorded to the residents of Lai Kok Estate and Yee Kok Court in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver for the proposal;
- (b) to better communicate with the residents of Yee Kok Court on the arrangement of letting of surplus vehicle park to non-residents, the kind of adequate measures to effectively monitor the security and hygiene, as well as entry and egress of vehicles at the vehicle parks arising from the applied





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

- Being an alternate member for the Director of Home Affairs who was a member of the SPC of the HKHA

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

- Being an alternate member for the Director of Lands who was a member of the HKHA

32. Mr. Raymond Chan also said that he no longer had any business dealings with the Housing Department and his past dealings were not related to the premises under consideration. Members agreed that he had no interest to declare. Members noted that Mr. Stanley Wong and Prof. Bernard Lim had tendered apologies for being unable to attend the meeting. The Secretary said that as the Vice-Chairman could not attend the meeting, according to the Town Planning Board's Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity. Members agreed.

[Mr. Andrew Tsang and Ms. Olga Lam left the meeting temporarily at this point.]

#### Presentation and Question Sessions

33. 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 2 legislative councillor (LegCo)/district councillor (DC) offices and 1 estate storage area and the proposed minor relaxation of non-domestic gross floor area restriction;
- (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 proposed LegCo/DC offices and the ancillary estate storage area were to serve the local residents and was in line with the planning intention of “R(A)” zone for the public housing development. The proposed uses were not incompatible with the surrounding uses which were mainly school uses. A number of similar applications had been approved within the “R(A)” zone since 2005, and there had been no major change in planning circumstances since then. The proposed conversion of the premises involved only about 110m<sup>2</sup> (+1.34%) and was considered small in scale. The total cumulative additional non-domestic GFA of 718m<sup>2</sup> arising from the previous and current applications for minor relaxation of non-domestic GFA restriction represented a cumulative increase of about +8.74% which was considered not unacceptable. The proposed relaxation of non-domestic GFA restriction did not result in any increase in the scale or bulk of the existing development and would not have any adverse traffic or environmental impacts.

34. Members had no question on the application.

#### Deliberation Session

35. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.12.2013, 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 condition :

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.

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

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

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Mr. C.K. Soh, STP/TWK, and Mr. C.H. Mak, TP/TWK, were invited to the meeting at this point.]

**Agenda Item 8**

[Open Meeting]

Further Consideration of the  
Draft Planning Brief for the “Comprehensive Development Area (1)” Site  
at the Guangzhou - Shenzhen - Hong Kong Express Rail Link Terminus  
in West Kowloon Reclamation Area  
on the Draft South West Kowloon Outline Zoning Plan No. S/K20/23  
(MPC Paper No. 33/09)

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36. The Secretary reported that Mr. Anthony Loo had declared interests as he was an alternate member for the Commissioner for Transport who was a member of the Board of Directors of the MTR Corporation, which would be involved in the future submission of the Master Layout Plan. Mr. K. Y. Leung also declared interests as he had represented his professional institute to make a submission to the Legislative Council on the choice of location of the Express Rail Link Terminus. Mr. Raymond Chan also declared interests as he was the Convenor of the Railway Objections Hearing Panel and had conducted hearings to listen to the views of objectors including views regarding the topside developments. As the current item was only concerned with the consideration of planning brief which was part of the plan-making process, Members agreed that there was no direct conflict of interests and that Mr. Loo, Mr. Leung and Mr. Chan could stay in the meeting.

[Mr. Andrew Tsang returned to join the meeting at this point.]

37. With the aid of a Powerpoint presentation, Mr. C.K. Soh, STP/TWK, presented the item and covered the following aspects as detailed in the Paper:

Background

- (a) the Site, located at the southern part of West Kowloon, had an area of about 5.88 hectares. It fell within an area zoned “Comprehensive Development Area (1)” on the draft South West Kowloon Outline Zoning Plan (OZP) No. S/K20/23. The site was subject to maximum building height restrictions ranging from 90 to 115 mPD and a maximum plot ratio of 5.0;
- (b) on 22.5.2009, the Committee agreed that the draft planning brief (PB) was suitable for consultation with the Yau Tsim Mong District Council (YTMDC) and the Harbour-front Enhancement Committee (HEC). The YTMDC and Sub-committee on Harbour Plan Review of the HEC (HEC Sub-committee) were subsequently consulted on 25.6.2009 and 22.7.2009 respectively;
- (c) the Paper was to report the views of YTMDC and HEC, the previous comments of the Committee and the views of a relevant representation on the OZP, as well as to present the revised PB for the consideration of the Committee after taking into account the views collected;

Views on the draft PB

YTMDC

- (d) YTMDC members welcomed and generally agreed with the planning principles and requirements as stipulated in the draft PB. Some YTMDC members also made the following main points:
  - public open space should be easily accessible and connection with the West Kowloon Cultural District (WKCD) should be given;
  - the 40m wide north-south ventilation corridor was appreciated but the east-west ventilation was also important; and

- wall-like developments should be avoided and development at the Site should be compatible with that at the WKCD and the Kowloon Station;

HEC Sub-committee

(e) The HEC Sub-committee appreciated that reduced plot ratio and building height restrictions were stipulated in the draft PB and raised the following main points:

- no mass podium-like structure should be created at the Site;
- the interface of the future development at the Site with the nearby developments of the Site, including traffic arrangement and pedestrian connectivity of the entire West Kowloon area, should be properly addressed; and
- an urban design study should be carried out for the future development, which should examine comprehensively all aspects including development density, building height and massing, greening opportunities, public space, etc;

The previous comments of the Committee

(f) during consideration of the draft PB on 22.5.2009, the Committee had requested PlanD to incorporate into the draft PB the following requirements:

- in planning for retail provision at the subject site, consideration should be given to providing different forms of retail provisions such as outdoor shopping street as far as practicable;
- the design and management of the public open space should be conducive to easy public accessibility;

- the need to enhance east-west air ventilation should be highlighted; and
- Annex A (parking space requirements) should be deleted;

A Representation on amendments made to the approved South West Kowloon OZP  
No. S/K20/22

(g) during the consideration of a Representation to the OZP (Representation No. 1), the representer also made specific comments which were relevant to the draft PB, including the following:

- the destination of the Guangzhou – Shenzhen – Hong Kong Express Rail Link was at Panyu (not Guangzhou);
- location of ventilation facilities should be provided away from the ground level;
- exhibition and conference facilities should be included in the uses allowed at the “CDA(1)” site;
- convenient connectivity should be provided;
- the requirement to separate traffic, loading and unloading, and pick up/drop off facilities should be removed and a consolidation of these facilities was more welcomed;
- building separation should be specified as from the ground level up;
- the outdoor open space should be handed back to Government upon completion; and
- it should be stipulated that the building layout and internal vehicular and pedestrian road network should include an air ventilation corridor matching the adjacent site on the east;

*The proposed amendments to the PB*

- (h) the comments of the HEC Sub-committee and the Committee had been duly incorporated into the revised PB. The comments of the YTMDC were general views on the PB. Such views had already been included in the PB and therefore no amendment was necessary;
- (i) regarding the comments of Representer No. 1, two stations along the Express Rail Link had been specified as Futian and New Guangzhou Railway Station at Shibi in the revised PB. Moreover, greater flexibility was provided to the future development mix by removing the minimum plot ratio of 4.5 for ‘office’ use in the draft PB so as to facilitate other uses including ‘meetings, incentive travel, conventions and exhibitions’ (MICE) facilities; and
- (j) other technical amendments including changes to the “no topside development zone” to improve the east-west ventilation and the subway connections were incorporated.

38. A Member asked whether there would be adequate control on parking provisions if the car parking requirements were deleted from the revised PB. Mr. Wilson Chan said that there would still be control over the provision of car parking facilities as the future applicant would be required to provide ancillary car parking spaces in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). Besides, a Traffic Impact Assessment (TIA) would need to be carried out to the satisfaction of the Transport Department (TD). The Secretary said that the proposed deletion of the car parking requirements from the PB was proposed by the representative of TD and was agreed by the Committee on 22.5.2009 for the reason that it would be more flexible by simply making reference to the HKPSG requirements instead of listing out every specific requirement in the PB.

39. The same Member said that as the subject site would accommodate a variety of uses, including a rail terminus, offices and shopping facilities, it might be difficult for the



future developer to estimate the need for car parking facilities if guidance was not provided in the PB. Another Member shared the concern and said that the TIA should be carefully conducted to address the car parking issue. Mr. Anthony Loo said that the exact car parking requirement would be determined after the TIA had been conducted. For this reason, it might be more flexible to simply make reference to the HKPSG at this stage.

40. A Member considered that the car parking requirement should be determined in advance before the site was tendered out to the developers for topside development. In response, Mr. Wilson Chan explained that MTRC would prepare the Master Layout Plan (MLP) for the site as soon as the PB was approved. The planning application would be submitted to the Committee for approval before the site was tendered out. The proposed MLP would clearly state the car parking provision for the consideration of the Committee.

41. A Member asked about the progress of the project and Mr. Wilson Chan said that the Highways Department and the MTR Corporation had been working closely with the Planning Department and the Transport Department to finalize the proposal. A planning application would be submitted soon.

42. After further deliberation, the Committee decided to :

- (a) note the views of the Yau Tsim Mong District Council and the Harbour-front Enhancement Committee Sub-committee on the draft Planning Brief (PB) as summarized in paragraphs 3.3 to 3.4 and detailed in Attachments 4 and 5 of the Paper, and Planning Department's response to their views in paragraphs 4.2 and 4.3 of the Paper;
- (b) note the amendments made in response to the comments raised in Representation No. 1 to the South West Kowloon OZP as detailed in paragraph 4.4 of the Paper;
- (c) note other amendments made to the draft PB due to changes made on the detail design of the West Kowloon Terminus as detailed in paragraph 5 of the Paper; and

- (d) endorse the draft PB at Attachment 1 of the Paper, which had incorporated the relevant proposed amendments.

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

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/109            Renewal of Planning Approval for  
Temporary Golf Driving Range and Golf Academy  
for a Period of 2 Months (i.e. up to 12.2.2010)  
in “Comprehensive Development Area (1)” and “Road” zones,  
8 Wui Cheung Road, West Kowloon Reclamation  
(MPC Paper No. A/K20/109)

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

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

- (a) background to the application – the site was subject to five previous planning applications for golf driving range/golf academy, all of which were approved by the Committee on a temporary basis. The last application was approved by the Committee on 4.9.2009 on a temporary basis up to 12.12.2009;
- (b) the proposed renewal of planning approval for temporary golf driving range and golf academy for a period of 2 months (i.e. up to 12.2.2010);
- (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 Tim 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 golf club had been in operation since April 1999 and there had been no complaints received since then. The development parameters in the current application were the same as those in the previous scheme (No. A/K20/107) approved by the Committee. As the planning permission would only last for two months, the planning intention of the Site for comprehensive development of the West Kowloon Terminus of the Express Rail Link and the topside office/commercial development and the associated road works would not be jeopardized. The application also complied 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).

44. Members had no question on the application.

#### Deliberation Session

45. After deliberation, the Committee decided to approve the application on a temporary basis until 12.2.2010, 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.

46. 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.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/110            Temporary Public Vehicle Park (Excluding Container Vehicles) Use  
(Letting of Surplus Monthly Vehicle Parking Spaces for Non-residents)  
for a Period of 3 Years in “Residential (Group A)” zone,  
Car Park Area of Commercial Accommodation,  
Hoi Fu Court, No. 2 Hoi Ting Road, Kowloon  
(MPC Paper No. A/K20/110)

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**Presentation and Question Sessions**

47.            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 temporary public vehicle park (excluding container vehicles) use (letting of surplus monthly vehicle parking spaces for non-residents) for a period of 3 years;
- (c)    departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no objection to the application, but commented that TD’s agreement should be sought on the actual number of parking spaces to be let to the non-residents;
- (d)    during the statutory publication period, three public comments were received. The Incorporated Owners of Hoi Fu Court and a district councillor objected to the application. The district councillor objected to

the application and proposed that the car park should continue to serve its original purpose of serving the residents of Hoi Fu Court. The public comment indicated “no comment” on the application; 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 vacancy rate of the car parking spaces in Hoi Fu Court in the past 6 months was about 42%. The temporary nature of the application for a period of 3 years was considered reasonable as the vacant car parking spaces could be let out to non-residents flexibly while the parking demand of the residents could be further reviewed. There was no increase in the total number of vehicle parking spaces within Hoi Fu Court and there would not be significant increase in traffic generated from the proposed letting of surplus car parking spaces to non-residents. To address the public concerns, an approval condition requiring the applicant to accord priority to the residents of Hoi Fu Court in the letting of the surplus vehicle parking spaces should be imposed. The applicant should also be advised to explain to the residents of Hoi Fu Court on the arrangement of letting of surplus vehicle park to non-residents.

48. Members had no question on the application.

#### Deliberation Session

49. The Chairperson said that the views expressed by Members during the consideration of a similar application (No. A/K5/686) under Agenda Item 6 were also applicable to the current application.

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board and subject to the following condition :

priority should be accorded to the residents of Hoi Fu Court in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking

spaces to be let to non-residents should be agreed with the Commissioner for Transport.

51. The Committee also agreed to advise the applicant of the following :
- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver for the proposal;
  - (b) to better communicate with the residents of Hoi Fu Court on the arrangement of letting of surplus vehicle park to non-residents; and
  - (c) to note the concerns of the Committee on the rental rates for the residents' vehicle park and the management costs issues in relation to the letting out of the surplus car park to non-residents during the consideration of a similar application No. A/K5/686 under Agenda Item 6 of the same meeting.

[The Chairperson thanked Mr. Wilson W.S. Chan, DPO/TWK, Mr. C.K. Soh, STP/TWK, and Mr. C.H. Mak, TP/TWK, for their attendance to answer Members' enquiries. Mr. Chan, Mr. Soh and Mr. Mak left the meeting at this point.]

### **Hong Kong District**

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

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/395                      Further Consideration of the Application –  
Proposed Comprehensive Residential Development  
in “Comprehensive Development Area (2)” zone and ‘Road’ area,  
Upper Kai Yuen Lane, Lower Kai Yuen Lane and Kai Yuen Street,  
North Point  
(MPC Paper No. A/H8/395)

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52.                      The Secretary reported that the Chairperson had declared interests in this item as she owned a flat at Flora Garden and the Incorporated Owners of Flora Garden had submitted a public comment on the subject application. However, as the Vice-Chairman had tendered apologies for being unable to attend the meeting, the Secretary invited Members to consider whether to defer consideration of the application, or to allow the Chairperson to continue to chair the meeting out of necessity. As background information, the Secretary informed Members that the subject public comment was mainly concerned with the originally proposed maximum building height which was no longer an issue to be considered as the building height of the applicant’s revised scheme no longer exceeded the OZP restrictions. Members considered that as the relevant public comment was mainly related to the building height issue which was no longer relevant and the Paper was to report back what the Committee had requested at the previous meeting, the Chairperson’s interests were remote, and she should be allowed to continue to chair the meeting out of necessity.

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

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

**Presentation and Question Sessions**

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

(a) background to the application:

- on 23.10.2009, the Committee considered the application. Members generally had no objection to the proposed Phase 1 development, but the majority views were that there was insufficient technical analysis in the submission to demonstrate the effect on the proposed development caused by the building height (BH) restriction and to justify the need to relax the BH restriction by 6.5m;
- the proposed layout should be revised to increase the distance between the proposed residential blocks and the adjacent existing buildings outside the “CDA(2)” zone; and
- the Committee decided to defer a decision on the application pending the submission of a revised Master Layout Plan (MLP) from the applicants to follow the BH restriction of 120mPD as stipulated on the OZP for the eastern part of the “CDA(2)” zone;

(b) the proposed comprehensive residential development:

- the applicants proposed to reduce the BH of the Phase 1 development from 126.5mPD to 120mPD to follow the BH restriction on the OZP. As a result, minor relaxation of the BH restriction was no longer a subject of the planning application;
- to make up for the loss of GFA arising from the deletion of one residential storey, one unit per floor had been added between 1/F and 24/F of Block 3; and
- the layout of Block 3 had been revised to increase the separation distance between the proposed building and the nearest existing building (Pak Lee Court in Bedford Garden) to a minimum of 14m. As a reference with regard to the application site, the distance between the proposed building and the nearest point of the lot boundary (Point C



as shown on Drawing FA-11 of the Paper) was 5m;

- (c) departmental comments – no objection from concerned Government departments, including the Chief Town Planner/Urban Design and Landscape, Planning Department and the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department, had been received;
- (d) during the statutory publication period of the original scheme, 435 public comments had been received. 432 of them objected to the application on the grounds of adverse traffic, environmental, visual impacts; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 4 of the Paper. In response to the comments of the Committee, the applicants had reduced the BH of the Phase 1 development to 120mPD to follow the OZP restriction. The footprint of Block 3 had also been adjusted to provide a minimum separation distance of 14m between the block and the nearest existing building in Bedford Garden. The revised MLP was considered an improvement to the original proposal. To ensure compliance with the building separation requirements, an additional approval condition on the provision of minimum separation distances had been recommended. With the implementation of road improvement measures, the proposed comprehensive residential development was generally in line with the planning intention of the "CDA(2)" zone. The relevant Government departments had no adverse comments on the application. The details of the public comments had already been addressed in the previous consideration of the application on 23.10.2009. The public concern on minor relaxation of the BH restriction was no longer relevant.

54. Members had no question on the application.

Deliberation Session

55. Members noted that the separation distance between Block 3 and Pak Lee Court of Bedford Garden had increased from 7m to 14m and that there was a separation distance of 20m between the three blocks in the Phase 1 development. A Member said that the improvements to the scheme were welcomed.

56. After further deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.12.2013, 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 submission and implementation of a revised MLP, taking into account the approval conditions (b), (c), (d) and (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan and a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular accesses, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the implementation of the road improvement proposal for Kai Yuen Street, including the widening of the upper section of Kai Yuen Street and the surrender of the private land covered by the widened Kai Yuen Street under Phase 1 development to the Government, as proposed by the applicants, to the satisfaction of the Commissioner for Transport or of the TPB;
- (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;

- (f) the submission of a natural terrain hazard study for the future phases of the proposed development and implementation of the mitigation measures recommended therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (g) the implementation of the sewerage upgrading works identified in the Sewage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) no occupation of Phase 1 development was allowed before the completion of the proposed road improvement works in Phase 1 development; and
- (i) the provision of a minimum 20m separation distance between the three blocks in the proposed Phase 1 development, and a minimum 5m separation distance between Block 3 of Phase I development and the innermost corner of the eastern lot boundary (Point C as shown on Drawing FA-11 of the Paper).

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

- (a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (b) to resolve any land issue relating to the development with other concerned owners of the application site;
- (c) to note the comments of the Assistant Commissioner for Transport/Urban, Transport Department (TD) in paragraph 10.1.1(c)(iii) of the Paper No. A/H8/395 regarding the need for permit from TD for construction vehicles using Kai Yuen Street;

- (d) to note the comments of the District Lands Officer/Hong Kong East, Lands Department in paragraph 10.1.3(f) of the Paper No. A/H8/395 regarding the requirement of tree preservation under land administration;
- (e) to note the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department's comments in paragraph 10.1.4(b) of the Paper No. A/H8/395 that the eastern and western parts of the application site were separate sites under the Buildings Ordinance for the purposes of plot ratio and site coverage calculation;
- (f) to note the comments of the Director of Environmental Protection in paragraph 10.1.8(g)(i) of the Paper No. A/H8/395 regarding the further mitigation measures to minimize the traffic noise impact of Kai Yuen Street on the proposed development;
- (g) to note the comments of the Railway Protection & Land Survey Manager, Mass Transit Railway Corporation Limited (MTRC) in paragraph 10.1.10 of the Paper No. A/H8/395 regarding the protection of MTR Island Line tunnel below the site;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 10.1.11(b) to (d) of the Paper No. A/H8/395 regarding the suggested transplanting of tree T5 and the retention of trees outside the application site; and
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 10.1.13(b) of the Paper No. A/H8/395 regarding the provision of a waterworks reserve on the site.

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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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58.            The Secretary reported that the application was submitted by Power Concept Properties Limited. Mr. Raymond Chan declared interests as he was an acquaintance of the owner of the site. As the applicant had requested to defer consideration of the application, Members agreed that he could be allowed to stay at the meeting.

59.            The Committee noted that the applicant had requested on 26.11.2009 for deferment of the consideration of the application for two months in order to address the comments of the Fire Services Department.

60.            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.

**Kowloon District**

[Miss Helen L.M. So, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

**Agenda Item 13**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/602            Proposed Shop and Services  
                          in “Other Specified Uses” annotated “Business” zone,  
                          Portion of Workshop A, G/F, Morlite Building,  
                          40 Hung To Road, Kwun Tong, Kowloon  
                          (MPC Paper No. A/K14/602)

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**Presentation and Question Sessions**

61.            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;
- (c)    departmental comments – the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) commented that the proposed shop and services use was in breach of the lease conditions. A lease modification or waiver to permit the proposed change of use was required. The Director of Fire Services (D of FS) had no in-principle objection to the application provided that a means of escape completely separated from the industrial portion was available for the concerned area and fire service installations were provided to the satisfaction of his department;
- (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 proposed shop and services use was considered generally in line with

the planning intention of the “OU(Business)” zone. It also 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.

62. Members had no question on the application.

#### Deliberation Session

63. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.12.2011, 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 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; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East for lease modification or a temporary waiver for the proposed shop and services use at the subject premises;
- (b) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction as advised by Director of Fire Services; and

- (c) to appoint an Authorized Person to submit Alteration and Additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular, the provision of adequate means of escape in accordance with Building (Planning) Regulation 41(1), the subject premises should be separated from the remaining portion of the premises with walls having 2 hours fire resistance period (FRP) and any exit doors opening to corridors should have an FRP of not less than half that of the wall pursuant to Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9, and the provision of access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 as advised by Chief Building Surveyor/Kowloon.

[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.]

[Ms. Jessica H.F. Chu, STP/K, was invited to the meeting at this point.]

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

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/235                      Proposed Hotel in "Residential (Group A)" zone,  
103-107 Tam Kung Road,  
Ma Tau Wai, Kowloon  
(MPC Paper No. A/K10/235)

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65.            Mr. Raymond Chan declared interests as he had a property near the application site. Members agreed that he should withdraw from the meeting temporarily during the discussion and determination of this item.



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

Presentation and Question Sessions

66. 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 – the Commissioner for Tourism supported the application as the proposal would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of the convention and exhibition, tourism and hotel industries. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered the proposal acceptable from an urban design point of view. However, the applicant was strongly advised to set back the development at the ground level from Tam Kung Road and provide landscaping/tree planting, and set back the tower portion (1/F and above) from Tam Kung Road and provide landscape treatment at the setback area, provide landscape treatment on the flat roof area on top of 1/F, and avoid any blank-wall appearance at the façade facing Tam Kung Road;
- (d) during the statutory publication period, one public comment objecting to the application for the reason that there was insufficient demand for another hotel in the area. The commenter suggested the application site should be used as a car park; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed hotel complied with the maximum permissible plot ratio for a non-domestic building and the maximum building height restriction within

the “R(A)” zone. The proposed hotel development was considered not incompatible with its surrounding uses, which included shop and services uses at the ground level and two other hotel applications were approved by the Committee. Regarding the public comment received, it should be noted that the demand for hotels in the area was a commercial consideration for the applicant. As for the suggestion that the site should be used as a car park, the Transport Department considered that there was no shortage of car parking spaces in the area.

67. A Member asked whether the location of the plant room and water tank on 2/F and 3/F of the hotel development would add to the “wall effect”. Ms. Jessica Chu replied that the relevant departments had been consulted on the proposed scheme and they had no adverse comment on the proposal. However, in order to soften the effects arising from the proposed development, CTP/UD&L had advised that any blank-wall appearance at the façade facing Tam Kung Road should be avoided. The development should also be set back at the ground level from Tam Kung Road and landscaping/tree planting should be provided.

68. The same Member asked whether it was possible to relocate the utility facilities on the lower floors of the hotel development so as to improve the scheme. Ms. Jessica Chu replied that the scheme was prepared by the applicant and the design details were proposed by the applicant. The location of the utility facilities was similar to that in the previous scheme which was approved by the Committee on 19.12.2008 (No. A/K10/227).

#### Deliberation Session

69. The Chairperson said that the current design was similar to the design of the previous application in that the sprinkler water tank and the plant room were also located on the lower floors, and the previous scheme was already approved by the Committee. To address Members’ concerns, approval conditions on setback and landscaping could be added to improve the external treatment.

70. 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 4.12.2013, 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 provision of a setback of the development at ground floor level and the tower portion (1/F and above) from Tam Kung Road to enhance the visual amenity of the proposed development and its surrounding pedestrian environment to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscaping proposal including landscape treatment on the setback area and on the flat roof area on top of 1/F to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of water supplies for firefighting and the fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the provision of lay-by, parking space, pedestrian corridor between the hotel lobby and the carpark to be provided within the application site for the use of pedestrians and wheelchair users to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (f) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (e) above to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department regarding the exemption of gross floor area (GFA) calculation of the Landscape Garden on 4/F of the proposed hotel, and the application for hotel concession including exemption of back-of-house facilities from

GFA calculation under Building (Planning) Regulation (B(P)R) 23A would be considered upon formal submission of building plans subject to compliance with Buildings Ordinance, Regulations and the criteria under the relevant Joint Practice Notes and Practice Notes for Authorized Persons and Registered Structural Engineers 111;

- (b) to consult the District Lands Officer/Kowloon West on the lease modification matters for the proposed hotel;
- (c) to consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel development;
- (d) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works; and
- (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.

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

[Mr. Vincent T.K. Lai, STP/K, was invited to the meeting at this point.]

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/266            Proposed School (Kindergarten cum Child Care Centre)  
in "Residential (Group C) 1" zone,  
5 Lincoln Road, Kowloon Tong, Kowloon (NKIL 714)  
(MPC Paper No. A/K18/266)

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Presentation and Question Sessions

72. 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 school (kindergarten cum child care centre) development;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, nine public comments were received objecting to the application on the grounds that there were already too many schools in the area; the proposed school was not in line with the planning intention of the “R(C)” zone; and the proposed development would lead to further traffic congestion, road safety concern, noise and air pollution, public safety problems and infrastructure constraints; 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 kindergarten cum child care centre generally complied with the Town Planning Board Guidelines for “Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate Under Section 16 of the Town Planning Ordinance” (TPB PG-No. 23) as it was considered not incompatible with the surrounding developments, and no significant adverse impacts on traffic, environment and infrastructure provisions of the area were anticipated. Regarding the public comments objecting to the application, it should be noted that the relevant departments had no objection to/no adverse comment on the application.

73. Members had no question on the application.

Deliberation Session

74. A Member noted that a MSc thesis had been attached by a commenter and asked whether the findings in the thesis could be applied to the planning of Kowloon Tong. Mr. Vincent Lai replied that the thesis was prepared in 1986. It traced back the history of the Kowloon Tong Garden Estate and examined the planning issues in the area. The Chairperson said that the Government was well aware of the changing character in Kowloon Tong and the changes in the area since the late 1970s, as shown in the Metroplan Review. In response to the growing number of kindergarten applications in the area, the Board had prepared guidelines to facilitate consideration of planning applications for schools/child care centres in the area.

75. Noting that many schools had been established in the area, a Member asked whether there were any cumulative traffic implications on the area. Mr. Anthony Loo said that every individual school should have adequate loading/unloading facilities in accordance with the Hong Kong Planning Standards and Guidelines. However, the cumulative traffic impact on the area had not been examined. If there was illegal parking on the street, the Commissioner of Police would be responsible for taking enforcement action.

76. 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 4.12.2013, 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 provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) 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. The applicant should also ensure that the proposed use complied with the Buildings Ordinance, in particular, justification(s) should be submitted to demonstrate the existing building structure could withstand the live load pertaining to the proposed kindergarten cum child care centre;

- (b) to consult the Registration Section and the Joint Office for Pre-Primary Services of the Education Bureau on the school registration process for the proposed kindergarten cum child care centre under the Education Ordinance and Regulations; and
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site.

[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.]

**Agenda Item 16**

Any Other Business

78. There being no other business, the meeting was closed at 10:50 a.m.