

## **TOWN PLANNING BOARD**

### **Minutes of 413th Meeting of the Metro Planning Committee held at 9:00 a.m. on 12.2.2010**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Hon. Starry W.K. Lee

Mr. K.Y. Leung

Dr. Winnie S.M. Tang

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

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

Assistant Director/Kowloon, Lands Department  
Ms. Anita Lam

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

Secretary

**Absent with Apologies**

Professor N.K. Leung

Mr. Maurice W.M. Lee

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Miss Hannah H.N. Yick

**Agenda Item 1**

Confirmation of the Draft Minutes of the 412th MPC Meeting held on 29.1.2010

[Open Meeting]

1. The draft minutes of the 412th MPC meeting held on 29.1.2010 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

- (i) New Town Planning Appeal Received

Town Planning Appeal No. 1 of 2010 (1/10)

Proposed House (New Territories Exempted House (NTEH) – Small House)

in “Agriculture” zone, Lot No. 749sB, 750sA and 751sA in D.D. 17,

Ting Kok, Tai Po

(Application No. A/NE-TK/283)

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Proposed House (NTEH – Small House)

in “Agriculture” zone, Lot No. 749RP and 750RP in D.D. 17,

Ting Kok, Tai Po

(Application No. A/NE-TK/284)

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2. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 2.2.2010 against the decisions of the Town Planning Board (the Board) on 27.11.2009 to reject on review the two applications for ‘NTEH – Small House’ in the “Agriculture” zone on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/15. The applications were rejected by the Board for the following reasons:

- (a) the proposed developments did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the sites were outside the “Village Type Development” zone and the village

‘environ’ of any recognized villages; and

- (b) the approval of the applications would set an undesirable precedent for other similar applications in the area.

3. The Secretary said that the hearing date of the appeal was yet to be fixed. The Secretariat would represent the Board on all matters relating to the proceedings of the TPAB in the usual manner.

(ii) Appeal Statistics

4. The Secretary reported that as at 12.2.2010, a total of 22 cases were yet to be heard by the TPAB. Details of the appeal statistics were as below :

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	136
Yet to be Heard	:	22
Decision Outstanding	:	2
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Total	:	295

**Tsuen Wan and West Kowloon District**

[Mr. C.K. Soh, 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/K3/521                      Proposed Demolition, Addition and Alteration Works  
to the Existing Lui Seng Chun Building  
for a Chinese Medicine and Healthcare Centre  
under Revitalising Historic Buildings Through Partnership Scheme  
in “Other Specified Uses” annotated “Historical Site Preserved  
for Commercial and Cultural Uses” zone,  
No. 119 Lai Chi Kok Road  
(MPC Paper No. A/K3/521)

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**Presentation and Question Sessions**

5.                      Mr. C.K. Soh, STP/TWK, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

*Background*

- (a) the application site was zoned “OU (Historical Site Preserved for Commercial and Cultural Uses)” which was intended to preserve, restore and convert the Lui Seng Chun (LSC) building into a local heritage attraction with the provision of cultural and commercial facilities for the enjoyment of the public;
  
- (b) LSC was a four-storey “Tong Lau” built in around 1931 by Mr. LUI Leung for his family. The ground floor was occupied a Chinese bone-setting medicine shop named “Lui Seng Chun” while the upper floors were living quarters for the members of Lui’s family. The building was accorded as a Grade I historic building in 2000 and was donated to the Government by Lui’s family in 2003;

*The proposal*

- (c) Hong Kong Baptist University proposed demolition, addition and alteration

works to the existing Lui Seng Chun building for use as a Chinese Medicine and Healthcare Centre. The proposed centre was selected under the first batch of the Revitalising Historic Buildings Through Partnership Scheme by the Secretary of Development in February 2009;

- (d) the existing building with a total floor area of 605m<sup>2</sup> would be preserved. The proposed uses of the building included herbal tea shop, Chinese medicine retail shop, bone setting consultation room, acupuncture treatment room, display/waiting area and medical herb garden;

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

- (e) on the G/F, the proposed uses included open-courtyard, display area, herbal tea shop and Chinese medicine retail shop. The existing annex block and fence wall would be demolished for erection of a new annex block to accommodate facilities such as pump room, fire service installations and new staircase connecting the G/F to the roof to meet current building and fire safety requirements. The existing metal gates would be demolished and replaced by glass wall to allow better permeability for the public to appreciate the building. Internal partition wall would be demolished to allow larger ground floor shop area. Trees and plants would be planted in the courtyard on the G/F;
- (f) on the 1/F, the proposed uses included reception, display/waiting area, pharmacy, herb brewing room, herb storage room and office/record room. The existing internal partition wall and floor slab would be demolished to provide new disabled lift and lavatory facilities for a barrier-free environment. Moreover, the verandah would be enclosed by new glass walls so as to mitigate traffic noise, control air quality and temperature for use as waiting and exhibition areas. The existing railings would be removed for erection of a new annex block;
- (g) the proposed uses for the 2/F included display/waiting area, bone setting consultation room, acupuncture treatment room and internal medicine consultation room. The existing double leaf doors would be replaced in

order to meet building safety requirements. The existing internal partition wall and floor slab would be demolished for construction of staircase, lift and lavatory facilities;

- (h) on the 3/F, the proposed uses included display/waiting area, bone setting consultation room, bone setting treatment room and seminar room. The existing internal walls, floor slab and existing railings would be demolished for the installation of disabled lift and connection to the new annex block;

[Mr. Anthony Loo arrived to join the meeting at this point.]

- (i) on the roof, a medicinal herb garden was proposed. Water tank, new air conditioning units, solar panel for the supply of electricity for plants and ramp for disabled would be installed/provided;
- (j) the proposal aimed to provide comprehensive Chinese medicine and healthcare services to the community, to enhance public knowledge of Chinese medicine and to help train professionals in the field. The proposed modifications to the existing building were required to accommodate the proposed Centre and to meet the modern building and fire safety and barrier-free access requirements. The glass enclosure at the verandah was required to meet the functional needs and reduce traffic noise impact. The proposed conversion would turn the building into a historical and cultural landmark;

Departmental comments

- (k) no objection/adverse comments from concerned Government departments were received;

Public comments

- (l) one public comment was received during the statutory publication period but it was subsequently withdrawn. The District Officer (Yau Tsim Mong) advised that the District Council member of the concerned constituency was of the view that by having public exhibition areas at the Chinese Medicine and Healthcare Centre, the traffic network in the vicinity would

be overloaded. Yet, there was no detail on the traffic arrangement of the proposed development. This would cause inconvenience and nuisance to the residents. The Chairman of Yau Tsim Mong North Area Committee supported the application and considered that the proposed development should be expedited to avoid any delay; and

Planning Department(PlanD)'s views

- (m) PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed adaptive re-use of the existing LSC building as a Chinese Medicine and Healthcare Centre was in line with the planning intention for the site. In fact, the proposed Chinese Medicine and Health Care Centre was always permitted under the “OU” zone. The main focus of the current application was on the proposed demolition, addition and alteration works. The proposed works had been confined to the minimum necessary to meet current building and safety requirements after consultation with concerned government bureau/departments including Development Bureau, Antiquities and Monuments Office (AMO), Buildings Department and Fire Services Department. The proposed glass enclosure at the verandah was required to allow sufficient usable floor area to be used as patient’s waiting area, pharmacy, office/patient record room, internal medicine consultation room and seminar room of the proposed clinic as well as to reduce the traffic noise impact. The proposed glass enclosure would be set back from the existing façade by 450mm and non-reflective clear glass would be used to minimise the visual impact. The mitigation measures were considered appropriate by Commissioner for Heritage (C for H) to preserve the architectural authenticity of the building. Approval conditions on submission and implementation of Heritage Impact Assessment and landscaping proposal, and the setting back of the proposed glass enclosure by 450mm and the use of non-reflective clear glass were recommended.

6. A Member asked if the glass enclosure of the verandah would affect air ventilation and if it was compatible with the style of the historical building. Mr. C. K. Soh explained that the verandah area had accounted for a large portion of the total floor area of



the LSC building. The glass enclosure was proposed to minimize the traffic noise impact from Lai Chi Kok Road and Tong Mi Road so that the verandah area could be put to some beneficial uses. The proposed new glass enclosure would be set back from the existing facade by 450mm and non- reflective clear glass would be used to allow a high degree of visual permeability and at the same time minimize any adverse visual impact on the external appearance of the building. Such mitigation measures were considered appropriate by C for H and AMO.

7. Noting that the building would be used as a Chinese medical centre, another Member asked if the public could gain access to most of the areas in the building. Mr. Soh explained that the verandah area on G/F to 3/F, which accounted for a major part of the area of the building, would be used as waiting and display areas. Such areas would allow public access. Apart from that, the public could visit the Chinese medicine retail shop on the G/F.

8. Another Member asked why the bone setting consultation room was at 3/F which appeared inconvenient to patients. Mr. Soh said that he had no information why it was located there but as there would be a new lift installed, even wheelchair patients could access on the 3/F without any problem.

9. As a District Council Member had expressed concern on the issue of traffic impact and PlanD had also recommended advisory clauses related to traffic aspect, a Member requested further elaboration from PlanD on the traffic aspect. Mr. Soh responded that the scale of the proposal was not significant and hence would not attract a large amount of visitors that required a lot of parking and loading/unloading facilities. While Transport Department (TD) had no objection to the application, TD was concerned on the traffic arrangement during the construction stage. The applicant was advised to further liaise with TD on the traffic arrangement.

#### Deliberation Session

10. Members agreed that proposed demolition, addition and alteration works would not create adverse impact on the historical building.

11. 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 12.2.2014, 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 of a heritage impact assessment (HIA) prior to commencement of any demolition of, or any addition, alteration and/or modification works and the implementation of the endorsed HIA to the satisfaction of the Antiquities and Monuments Office of Leisure and Cultural Services Department or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the setting back of the proposed glass enclosure of the verandah from the existing facade of the building by 450mm and the use of non-reflective clear glass as proposed by the applicant to the satisfaction of the Director of Planning or of the TPB.

12. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Mainland South, Drainage Services Department (DSD)'s comment that DSD should be advised on the change in the sewage discharge as the result of the proposal and local sewerage upgrading works should be implemented if found necessary;
- (b) to note the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD)'s comment that TD and other concerned Government departments should be consulted regarding the vehicular access and traffic arrangements before commencement of the revitalization works during the submission of the hoarding plans for approval;
- (c) to note the AC for T/U, TD's comment that the fronting kerbsides on both Lai Chi Kok Road and Tong Mi Road were not suitable for mass

pick-up/set-down of visitors by coaches due to the busy vehicular traffic on these roads. Depending on the situation in the future, further tightening of the existing no stopping restrictions might be required;

- (d) to note the AC for T/U, TD's comment that the TD might review the local traffic situation and car parking demand upon the operation of the proposed Chinese Medicine and Healthcare Centre, for consideration of additional car parking spaces on nearby local streets;
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's comment that the existing water mains at the north-western corner of the site might be affected by the proposed development. The applicant should bear the costs of any necessary diversion works if the existing water mains were affected by the proposed development; and
- (f) to note the Director of Fire Services' comment 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 the Buildings Department.

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

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

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K4/57                      Proposed Hotel and Museum  
   under Revitalising Historic Buildings Through Partnership Scheme  
   in “Residential (Group A)” zone,  
   Mei Ho House, Block 41, Shek Kip Mei Estate,  
   Sham Shui Po  
   (MPC Paper No. A/K4/57)

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13.                      The Secretary reported that Professor Bernard V.W.F. Lim, being the principal of AD+RG Ltd. which was one of the consultants of the applicant, had declared an interest on the application. Members noted that Professor Lim had not arrived at the meeting yet.

[Dr. Daniel B.M. To arrived at the meeting at this point.]

**Presentation and Question Sessions**

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

- (a) background to the application;
  
- (b) the proposed hotel and museum under ‘Revitalising Historic Buildings Through Partnership Scheme’ (RHBTP). Mei Ho House (MHH) was a 6-storey building characterized by two identical linear blocks linked by a central block forming an H-shaped layout. Under the proposal, the original dwelling units in the two linear blocks would be converted to hotel rooms and a public housing museum. The proposed hotel (in the form of city hostel) would provide not more than 129 rooms with ancillary cafeteria, convenience store and laundry room. The proposed public housing museum would occupy some parts of G/F and 1/F of MHH to be a showcase for life in the early days of Sham Shui Po through demonstration of traditional arts and crafts as well as games. Typical dwelling units of MHH with

'authentic' decoration and furnishing would be incorporated in the museum. The central block would be demolished and reconstructed to a similar built form to accommodate new supporting facilities. A new function room would be added at the back of the central block on G/F and a new basement floor would be constructed to accommodate E&M facilities. A plot ratio of 2.63 and a maximum GFA of 7,277m<sup>2</sup> were proposed and the existing building height of 16m would be retained. The existing pedestrian access along the eastern boundary of the Site connecting Berwick Street and the walking trail at the knoll to the north of the Site would be reprovisioned and the exact alignment of the pedestrian access would be subject to Housing Department's agreement;

- (c) a similar application in Sham Shui Po district (application No. A/K16/34) under the RHBTP Scheme for adaptive re-use of the former Lai Chi Kok Hospital compound for cultural and educational facilities including hostel, tea house, cafeteria and shops was approved with conditions by the Committee on 10.7.2009;
- (d) departmental comments – no objection/adverse comments from concerned Government departments were received;
- (e) one public comment was received during the statutory publication period. The commenter had no objection to the application, but opined that at least one floor should be retained as the original design of the estate (such as room size, toilet, bathroom and laundry) for visiting and study purposes in future. No local objection was received by the District Officer (Sham Shui Po); and
- (f) 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 use of MHH was in line with the Heritage Conservation Policy announced by the CE in his 2007-2008 Policy Address. The proposed hotel in the form of city hostel was residential in nature and considered compatible and in line with the planning intention of the

“Residential (Group A)” zone. The proposed hotel and museum uses were not incompatible with the surrounding areas which were mainly residential and Government, Institution or Community in nature. Furthermore, the former North Kowloon Magistracy which was a Grade II historic building included in the RHBTP Scheme to be re-used as an art and design school, and the existing Jockey Club Creative Arts Centre which was converted from the former Shek Kip Mei Flatted Factory were located in the vicinity of MHH. These cultural developments, together with the proposed adaptive re-use of MHH would provide a platform for cultural exchange among the youths and international travellers, forming a vibrant cultural cluster in the area. The proposed development mainly involved converting existing dwelling units into hotel rooms and museum without largely altering the existing building structure, appearance and height of MHH. Although the central block is proposed to be demolished to meet current building standards, the applicant stated that the block will be reconstructed similar to the original built form. A Heritage Impact Assessment would be submitted to Antiquities and Monuments Office for consideration and endorsement. The existing pedestrian access connecting Berwick Street and the walking trail at the knoll to the north of the Site affected by the proposed development would be replaced and reprovisioned during and after the construction works of the proposed development. As regards the public comment, the proposed public housing museum would retain typical dwelling units with ‘authentic’ decoration and furnishing to showcase the public housing history of Hong Kong.

15. Noting that a sample public housing room would be provided in the proposed public housing museum, a Member asked how the long-term management and maintenance of the museum could be secured to ensure its continuous operation. Mr. P.C. Mok responded that the applicant would be responsible for the management and maintenance of the public housing museum. As it was one of the projects under the RHBTP scheme, Mr. Mok explained that the Development Bureau would ensure the inclusion of the relevant management and maintenance requirements into the agreement with the applicant.

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

Deliberation Session

16. Regarding the concern on management and maintenance of the museum, a Member asked if the Committee could impose approval condition to ensure the provision of the museum in the development. The Chairperson said that the museum was part of the proposal in the subject application and as any approval was on the terms of the proposal, the applicant was bounded to provide the public housing museum together with the hotel development.

17. A Member commented that the landscaping proposal as shown in the photomontage in Drawing A-9 was not adequate and consideration should be given to enhance the landscaping so as to integrate MHH with the surrounding park and green slope with a view to creating a befitting setting for the historical landmark. Mr. Mok explained that the opportunity for landscaping within the application site was limited to the south-eastern sloping area as the courtyard had to be reserved for carparking and loading/unloading. PlanD had requested the applicant to retain the existing tree in-situ within the site. The applicant had to submit and implement a landscaping and tree preservation proposal to the satisfaction of the Director of Planning. While appreciating that the site was subject to constraints, the same Member pointed out that more innovative design should be adopted in the landscaping proposal to integrate the historical building with the surrounding greenery.

18. Another Member considered that the open-air circulation corridor on both sides of the two building blocks was an important characteristic of MHH. The proposed canopy and the sharp colour as shown in the photomontage would destroy the characteristic and rendered the building too modern. The same Member said that the applicant should be advised to pay heed to retain the existing characteristics of MHH while exploring further landscaping opportunities such as rooftop greening. Another Member agreed that the original style and character of MHH, being a Mark I resettlement block, should be retained. Another Member said that while innovative landscaping design could be adopted, a flexible approach should be taken to retain the original character of the building while at the same time integrating it into the present day environment with careful consideration in the adding of modern elements.

19. Another Member said that the professional institutes including HKIA, HKIE, HKIP and HKIS had organised a design competition for MHH but many good designs proposed in the competition such as a glass canopy over the courtyard, had not been incorporated into the current application. Although some part of the courtyard had to be retained for emergency vehicular access, the space left should be available for such design. Moreover, more landscaping should be introduced to enhance the revitalisation of the historical building. This Member also commented that the photomontage was misleading as there should be some air-conditioning plants on the roof top according to Drawing A-5. The Member did not object to the proposed use but considered the design of the development not entirely satisfactory.

20. The Chairperson noted that Members generally agreed that no tree felling would be allowed and an enhanced landscaping proposal had to be provided to integrate into the surroundings. Concerning Members' view on preserving the original architectural style of MHH while allowing the addition of modern elements, Mr. Mok said that the applicant would be required to submit a Heritage Impact Assessment on any alteration work of MHH to AMO for consideration and endorsement. The Chairperson added that C for H would also monitor the situation from heritage preservation perspective.

21. A Member commented that MHH should also include the history of rooftop school, which was a characteristic of Shek Kip Mei, in the proposed museum. The Chairperson said that Members' view to include the history of rooftop school in the proposed museum could be relayed to DEVB for consideration. Another Member agreed that it was important to keep the original character of the building and to allow modern elements to be included. This Member also supported rooftop greening so as to improve the visual effect when viewed by people walking up the hill.

22. The Chairperson concluded that Members generally agreed to the application and that their views on the detailed design and the need to preserve the existing architectural style and character of MHH as recorded in the minutes of meeting should be relayed to the applicant and the relevant Government departments and bureaux for consideration. The Secretary added that PlanD would take into account Members' views in vetting the landscaping proposal submitted under the approval conditions on landscaping.



23. 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 12.2.2014, 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 of landscape and tree preservation proposal prior to any site works to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a sewerage impact assessment and implementation of the sewage improvement measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) to re-provision the existing pedestrian access linking the walking trail at the knoll north of the Site to the satisfaction of the Director of Housing or of the TPB.

24. The Committee also agreed to advise the applicant :

- (a) to note the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office, Leisure and Cultural Services Department's comment that according to Technical Circular (Works) No. 6/2009, the applicant should submit the Heritage Impact Assessment for the proposed development to his office for consideration and endorsement;
- (b) to note the Director of Fire Services' comment 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;

- (c) to note the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department's and Director of Housing's comments that the right of access to the plant rooms at LG/F should be clarified; and
- (d) to note the Head of Geotechnical Engineering Officer, Civil Engineering and Development Department's comment that the maintenance responsibility of slopes affecting the Site should be clarified.

25. The Committee also agreed to request the applicant to note the Committee's views on the detailed design of the proposed development and the need to preserve the existing architectural style and character of Mei Ho House as recorded in the minutes of meeting.

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

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/688                      Proposed Religious Institution (Church)  
in "Residential (Group A)" zone,  
Shop B2, G/F; Shop C, 1/F (including lift L3/staircase  
connecting Shop B2, G/F and Shop C, 1/F); and the Plant Room on 2/F,  
The Prominence,  
336 Tung Chau Street, Sham Shui Po  
(MPC Paper No. A/K5/688)

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

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

- (a) background to the application;
- (b) the proposed religious institution (church) was located at Shop B2 on the ground floor, Shop C on the 1/F and the plant room on the 2/F of a composite residential-commercial building (The Prominence). The Premises had a total floor area of about 680m<sup>2</sup>. The G/F (about 40m<sup>2</sup>) would be used as the entrance and lift lobby of the proposed church, 1/F (about 597m<sup>2</sup>) would be used as place of worship, office and activity rooms and the plant room on 2/F (about 43m<sup>2</sup>) would be used as air conditioner plant room. The church would be served by a separate entrance at Tung Chau Street and there would be an internal lift and staircase connecting the entrance to the place of worship/office/activity rooms on 1/F;
- (c) departmental comments – no objection/adverse comments from concerned Government departments were received;
- (d) two public comment were received from a private individual and the Incorporated Owners of Fung Sing Building, 235 Hai Tan Street signed by 22 owners during the statutory publication period. The private individual supported the application and was of the view that the proposed church, together with the adjacent park and schools, would form a secluded area for children activities. The owners of Fung Shing Building, however, opposed to the application and were of the view that the local community and living problems would become more complicated if community groups, churches and similar organizations were accommodated there. No local objection was received by the District Officer (DO) (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 10 of the Paper. The planning intention of the “Residential (Group A)” (“R(A)”) zone was primarily for high-density residential developments and commercial uses were always permitted on the lowest three floors of the development. The church under application was located in the purpose-built non-domestic portion (i.e. ground floor, 1/F and 2/F) of a composite

residential-commercial building. The church use was considered compatible with other non-domestic uses such as shops on G/F and was not incompatible with the surrounding land uses, which were mainly composite residential-commercial developments. The access of the proposed church was separated from that of the residential floors above the podium and hence the church activities would unlikely have adverse impacts on the residents. Regarding public comment from a group of owners of Fung Sing Building opposing the application mainly on the grounds that the local community and living problems would become more complicated, Government departments consulted, including Transport Department, the Police, DO, Environmental Protection Department and Fire Services Department had no adverse comment on the application. Since 1986, 5 similar planning applications for religious institution within “R(A)” zone in the Cheung Sha Wan district were approved with/without condition by the Board. There had been no material change in planning circumstances since the approval of the latest application (Application No. A/K5/665) on 19.12.2008.

27. Members had no question on the application.

#### Deliberation Session

28. 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 12.2.2014, 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 fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB before operation of the applied 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.

29. The Committee also agreed to advise the applicant to note the Chief Building Surveyor/Kowloon, Buildings Department's comments to appoint an Authorised Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the provision of means of escape, fire resisting separation walls between the Premises and the remaining portion of the building; access and facilities for persons with a disability and natural lighting and ventilation.

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

[Mr. Y.S. Lee, STP/TWK, was invited to the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/351                      Proposed Shop and Services  
   in "Industrial" zone,  
   Unit B (Portion) on G/F, Mai Wah Industrial Building,  
   1-7 Wah Sing Street, Kwai Chung  
   (MPC Paper No. A/KC/351)

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

30. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the subject premises was currently vacant. One loading/unloading space, 3 private carparking spaces and 2 lorry parking spaces at 1/F of the subject industrial building were proposed to serve the proposed use;

- (b) the proposed shop and services;
- (c) departmental comments – no objection/adverse comments from concerned Government departments were received;
- (d) one public comment from the Incorporated Owners of Mai Wah Industrial Building (IOMWIB) was received during the statutory publication period. IOMWIB objected to the application on the grounds that the approval of the application would affect its enforcement power under the Deed of Mutual Covenant (DMC), resulting in the removal of the external wall by the applicant and hence affecting the external appearance of the subject industrial building. No local objection was received by the District Officer (Kwai Tsing); 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 at the premises was not considered to be incompatible with the industrial and industrial-related uses in the subject industrial building as well as the surrounding area, particularly the various shop and services uses on the G/F of neighbouring industrial buildings. 3 private car parking spaces, 2 lorry parking spaces and one loading/unloading bay were available to serve the proposed use. The proposal complied with the provisions of Town Planning Guidelines No. 25D and would not induce adverse traffic concerns. Transport Department had no adverse comment on the application. The subject industrial building was subject to a maximum permissible limit of 230m<sup>2</sup> for aggregate commercial floor area on the G/F. As confirmed by the Director of Fire Services (D of FS), the applied use was accountable towards the aggregate commercial floor area. Whilst a canteen currently occupied part of the G/F of the subject industrial building, the commercial floor space requirement did not apply to canteen use. As such, the applied GFA of about 224.89m<sup>2</sup> would not exceed the maximum permissible limit of 230m<sup>2</sup>. D of FS had no objection to the application. Regarding the public comment from IOMWIB objecting to the application, it would be the applicant's responsibility to

ensure that the proposed use would not breach the DMC of the subject industrial building.

31. Members had no question on the application.

Deliberation Session

32. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 12.2.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the application 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.

33. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a temporary waiver to permit the applied use at the subject premises;
- (b) to consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans in respect of separation of the application premises from the remaining portion of the subject industrial building by proper fire resisting construction and implementation of non-exempted building works; and
- (c) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' on the fulfillment of the approval conditions.

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/108                      Renewal of Planning Approval for  
Proposed Temporary ‘Concrete Batching Plant’ Use  
for a Period of 5 Years in “Other Specified Uses” annotated  
“Boatyard and Marine-oriented Industrial Uses” zone,  
Tsing Yi Town Lot 102 (Part),  
98 Tam Kon Shan Road, Tsing Yi  
(MPC Paper No. A/TY/108)

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34.                      The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Chan having current business dealings with Henderson had declared an interest in this item. The Committee agreed that he should leave the meeting temporarily during the discussion of and determination on this item.

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

35.                      Members noted that a letter dated 10.2.2010 from the applicant providing further justifications mainly on traffic and environmental aspects had been sent to Members on 11.2.2010 and was also tabled at the meeting. Members were allowed time to read the letter at the meeting.

**Presentation and Question Sessions**

36.                      Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the Site occupied the north-eastern part of TYTL 102, which was located at the northern part of Tsing Yi and was a part of an existing shipyard currently in operation. It was the subject of 2 previous applications (Nos. A/TY/62 and 91)



submitted by the same applicant for the same use. Application No. A/TY/62 proposed for concrete batching plant (CBP) use was approved with conditions by the Committee on 12.1.2001 on a temporary basis for a period of 5 years up to 12.1.2006. Application No. A/TY/91 proposed for CBP use for a period of 5 years was approved with conditions by the Committee on 4.3.2005 for 5 years up to 4.3.2010. The applicant currently applied for renewal of planning approval for the same use for another 5 years. Among the four approval conditions of the previously approved application, only one approval condition in relation to the submission of a report on the tests and inspection of the existing conditions of the piles had been complied with. The other conditions including the submission of a transport plan with the access arrangement and the routing of the long or heavy vehicles to and from the Site, the provision of EVA and fire service installations, and the design and provision of environmental mitigation measures had not been complied with by the applicant. The proposed development had yet to commence;

- (b) the renewal of planning approval for proposed temporary CBP use for a period of 5 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) advised that a Traffic Impact Assessment (TIA) should be conducted to assess the adverse effects of the proposal on the traffic condition in the area including the industrial section of Tam Kon Shan Road and all the local junctions affected. Queuing on public road relating to the operation of the proposed concrete batching plant would be unacceptable and the applicant was required to advise what traffic management plan and associated mitigating measures would be implemented to prevent such situation. An approval condition of ‘no queuing at public road’ should be incorporated. The applicant was required to consult Kwai Tsing District Council to address any local traffic concerns. The applicant should substantiate that the proposed internal traffic circulation including pedestrian facilities within the site was safe and up to standards. No objection/adverse comments from other concerned

Government departments were received;

- (d) nine comments were received from seven members of the general public, a solicitor on behalf of the adjacent shipyard (Lau Cheong Kee Shipyard) located to the east of the application site at No. 92 Tam Kon Shan Road, and a staff member of the Hong Kong Shipyard Ltd. at TYTL 102 during the statutory publication period. Seven members of the general public supported the application on the grounds that the proposed development was compatible with the surrounding environment, and would provide job opportunities, supply materials to infrastructural developments and contribute to economic development. The solicitor on behalf of Lau Cheong Kee Shipyard commented that the proposed development would increase the sea traffic that would block the free flow of traffic and/or access to and from the commenter's shipyard. The commenter was also concerned about the potential noise and pollution problems created by the proposed CBP. A staff member of the shipyard (at TYTL 102) objected to the application on the grounds that the concrete mixer trucks manoeuvring within the shipyard would affect internal road safety of the shipyard. The air-borne dust caused by the existing cement plant to the west of the shipyard, together with the proposed CBP would be harmful to the health of the shipyard staff. If the CBP was constructed, materials such as sand, rocks and cement would be transported to the site by sea, which would affect the operation of the shipyard. If fewer ships came in for repairs, the income of the shipyard's staff would be lowered and might provide excuse for the shipyard to cut wages or offload staff, thus affecting the livelihood of workers. No local objection was received by the District Officer (DO) (Kwai Tsing); 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 proposed development was located in an area which was predominantly a mixture of special industries, including an existing cement plant and shipyards located to the west and east of the site. A TIA requested by AC for T/NT, TD in assessing the adverse effects of the

proposal on the traffic condition in the area, including the section of Tam Kon Shan Road serving the developments and all the local junctions affected by the proposal, had not been submitted. Approval condition under the previous approval (No. A/TY/91) in relation to “the submission of a transport plan including the access arrangement and the routing of the long or heavy vehicles to and from the application site” had yet to be complied with. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impact on the surrounding area. Regarding the public commenter who raised concern that the concrete mixer trucks manoeuvring within the shipyard would pose danger to the staff of the shipyard, AC for T/NT, TD advised that the applicant should substantiate in the proposal that the internal traffic circulation including pedestrian facilities within the site were safe and up to standard. However, a TIA had not been submitted to the Town Planning Board (TPB) in support of the application.

37. A Member asked whether a TIA had been submitted in the previously approved application five years ago and the traffic situation relating to the operation of the CBP in the last five years. Mr. Y.S. Lee responded that TIA had been submitted and accepted by TD under the two previously approved applications No. A/TY/62 and A/TY/91. However, no TIA was submitted under the current application. The proposed CBP had not been put into operation. However, it was noted in a site visit that there were heavy concrete mixing vehicles queuing up at the entrance of the cement plant adjacent to the application site, causing traffic congestion problem. In response to the Chairperson’s enquiry, Mr. Lee confirmed that the CBP had not yet started operation since obtaining planning approval in 2001.

38. Another Member asked why TD commented that no TIA was submitted while the applicant claimed in his letter dated 10.2.2010 tabled at the meeting that an updated TIA had been conducted. The same Member also enquired whether there was any TIA conducted and accepted by TD on the adjacent cement plant. Mr. Lee responded that the updated TIA was completed on 6.2.2010 according to the applicant’s letter and it was not available when TD commented the subject application in January 2010. The adjacent cement plant was not an approved s.16 scheme. It was relocated from Tsing Yi East as a result of the development of

Greenfield Garden and the site was zoned “OU(Cement Plant)” on the Tsing Yi OZP where cement plant use was always permitted. He had no information in hand as to whether a TIA had been conducted at that time.

39. The Chairperson asked if the updated TIA was submitted to PlanD or TD. Mr. Anthony Loo replied that the updated TIA was submitted to TD on 9.2.2010 and TD needed time to study the TIA report before making a decision. The Secretary said that if the updated TIA was submitted to the TPB as further information to the application, according to the TPB Guideline No. 32, the Secretary could accept the further information but the revised technical assessment would have to be published for public inspection. The applicant should not submit the updated TIA to TD direct without submitting it to TPB. The Chairperson added that the publication of the updated TIA would allow members of the public to provide comments on the application, which would then be related to Members for consideration together with the application.

40. In response to a Member’s enquiry on whether the applicant had explained about the late submission of the updated TIA, Mr. Anthony Loo said that it was probably because the TIA was only completed on 6.2.2010. Regarding the same Member’s question on the applicant’s concern on the meeting date as reflected in the last sentence of paragraph 1 of the applicant’s letter, the Secretary explained that the previously approved application No. A/TY/91 would lapse on 4.3.2010 and hence if the current application was deferred to the next meeting on 5.3.2010, the planning permission of No. A/TY/91 would have already lapsed by that time, and the applicant claimed that the TPB could not renew a lapsed planning permission.

41. In response to a Member’s enquiry on a suitable time to submit a renewal application, the Secretary explained that under both a renewal application and a fresh application, all relevant technical assessments and other relevant materials had to be submitted for consideration. In a renewal application, the Board had to consider if there was a change in planning circumstances since the previous planning approval. In a fresh application, the Board would take the prevailing circumstances into consideration before making a decision. According to the TPB’s Guidelines 34A, renewal application should be submitted no less than 2 months before the expiry of the approval.

Deliberation Session

42. In response to the Chairperson's enquiry, Mr. Lee responded that a TIA was generally required in considering a proposed CBP use. In some temporary CBP at Tsing Yi East, TD was very concerned with the traffic impact generated by CBP which involved the use of heavy vehicles. Mr. Anthony Loo also confirmed that a TIA was necessary for CBP to address public's concern.

43. A Member asked if the transport plan submitted to comply with the approval condition of the previously approved application No. A/TY/91 had provided the information required by TD for the current application. Mr. Anthony Loo said he did not have the detailed information on such aspect. Mr. Lee explained that the applicant's transport plan as required under approval condition (b) of the previously approved application was partially accepted by TD. However, TD required the applicant to arrange a joint site inspection to ascertain the completion of all proposed traffic improvement works such as traffic signs within the development and at public road. Such works had to be provided by the operator of the CBP. As there was so far no operator for the CBP, details on traffic improvement measures were not available and the approval condition (b) was not fully complied with.

44. The Vice-chairman asked how far the applicant's claim that there was no material change in either the local planning or traffic circumstances since the last approval of the application in 2005 was correct. Mr. Lee responded that in the last five years, with the newly opened Route 8 in addition to the few bridges connecting Tsing Yi Island with the rest of the territory, the new development would have a bearing on the overall road traffic situation. A TIA in support of the subject application was desirable to address the concerns of local residents and district council.

45. With reference to TD's suggestion in paragraph 9.1.2 (c) of the MPC paper, a Member opined that it was unreasonable to impose such a condition requiring the applicant to ensure no queuing at public road as traffic on public road was not something the operator of CBP could control. It was a road management issue that should be dealt with by the Police. The Chairperson added that a TIA was important to demonstrate that there would be sufficient holding area within the application site for the heavy vehicles to avoid possible queuing up on public road.

46. A Member opined that the applicant did not provide justifications on why the updated TIA was submitted at such a late stage. Moreover, it was not appropriate to take into account the updated TIA which was not submitted to the Board. In the lack of a TIA which was essential in the consideration of the subject application, the application could not be approved. Another Member agreed with this Member that the application should be rejected as there was insufficient information on the traffic aspect. However, this Member casted some concerns on a wider problem, regarding the difficulty to identify suitable site for CBP use which would on the other hand affect the supply of concrete for the construction industry.

47. In response to a Member's enquiry, the Secretary explained that the subject application which was a renewal application, could not be deferred as the previously approved application would have lapsed before the next MPC meeting. If the subject application was a fresh application, the Committee could consider to defer consideration pending the submission of further information by the applicant.

48. The Chairperson said that the rejection of the subject renewal application would not have a direct impact on the existing supply of CBP as the CBP had never been put into operation since the first approval of the planning application in 2001.

49. In response to the Chairperson's enquiry, Mr. Anthony Loo opined that the applicant should consult Kwai Tsing District Council (DC) as there should be strong local concerns on the operation of CBP based on his past experience. A Member said that TD being a professional department with traffic expertise should advise the Committee the acceptability of the proposed CBP from traffic impact viewpoint based on the submitted TIA and should not rely on DC's views in determining TD's position. The Secretary supplemented that based on an agreement with HAD, the relevant DO would advise PlanD which planning application would need to be submitted DC for discussion. For the subject application, there was no request from DO to consult DC. Moreover, the subject application had already been published for public inspection according to the Town Planning Ordinance (TPO) and was also sent to relevant DC members for consideration. If comments from DC members were received, they would be submitted to the Committee.

50. Members then went through the reason for rejection as stated in paragraph 12.1

of the Paper and agreed to refine the reason to appropriately reflect the Committee's deliberation. After further deliberation, the Committee decided to reject the application and the reason was that no traffic impact assessment had been submitted to demonstrate that the proposed development would not have adverse traffic impact on the surrounding area.

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

[Professor Bernard V.W.F. Lim arrived and Mr. Raymond Chan returned to join the meeting at this point.]

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

### **Agenda Item 8**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/407-1            Application for Extension of Time for Compliance with Condition (a) for the Approved Temporary Shop and Services (Motor-vehicle Showroom) Use and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction for a Period of 3 Years under Application No. A/TW/407 in "Residential (Group A) 6" zone, Portions of Car Park at Level 7, Discovery Park, 398 Castle Peak Road, Tsuen Wan (Tsuen Wan Town Lot No. 361) (MPC Paper No. A/TW/407-1)

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

51.            Mr. K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time (EOT) for compliance with approval condition (a) relating to the provision of fire service installations (FSI) under approved

application (No. A/TW/407) for temporary shop and services (motor-vehicle showroom) use and temporary minor relaxation of non-domestic gross floor area restriction for a period of 3 years;

- (c) departmental comments – concerned Government departments had no objection/adverse comments;
- (d) District Officer (Tsuen Wan) (DO(TW)) advised that two District Council members and Discovery Park Residential Owners’ Committee were consulted on the subject application. One member had no comment on the application. The other member opposed to the application on the grounds that the application premises as a car park under the deed of mutual covenant should serve both business operators and residents of Discovery Park only. The developer should lower the monthly parking fee for the benefit of residents. Besides, there was already another motor vehicle showroom in the vicinity. It was also worried that the traffic of Mei Wan Street would be affected and there was suspicion of “business - government collusion”. The Discovery Park Residential Owners’ Committee restated their objection to the planning approval (No. A/TW/407) as well as the subject EOT application on the grounds that changing car parking spaces which were supposed to be for residential/commercial owners/tenants for other commercial purposes was an inappropriate change of use. Besides, visitors taking up the car parking spaces on the lower floor levels 3 & 4 and using the car park/L8 podium lift might cause inconvenience to residents. Visitors trespassing the podium might also put stress on security of the estate. There were also concerns regarding problem posed/adverse impact on repair and maintenance to residential facilities located at original car park setting rather than shops; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 8 of the Paper. According to the Town Planning Board Guideline 34A, the applicant had made efforts to comply with the approval condition concerning FSI. The applicant had been actively liaising with relevant government departments,



mainly Fire Services Department (FSD) and Buildings Department. More time could be given to the applicant to comply with approval condition (a). This was the first EOT and the applied extension period of 3 months was not unreasonable. No adverse planning implication was expected to arise from the EOT for compliance with planning conditions. Government departments had no objection to/no comment on the application. Regarding the public comments received via DO(TW) opposing to the application, it should be noted that this application was for EOT for compliance of the approval condition on provision of FSI for the temporary motor-vehicle showroom at the premises approved by the Committee. The objections received were related to the temporary motor-vehicle showroom use at the premises rather than to the proposed EOT. In fact, similar public comments objecting to the subject temporary use were received and considered by the Committee when approving the application (No. A/TW/407). Relevant approval conditions on FSI and advisory clause on the car park management and the security of Discovery Park had already been included in the application to address public concerns.

52. The Chairperson asked whether the proposed development was currently in operation and why it could be operated when approval condition had yet to be complied with. Mr. K.T. Ng replied that the subject development was subject to a planning permission (A/TW/407) approved with conditions by the Committee on 21.8.2009 which was a renewal of a previous permission (No. A/TW/388) with a validity period up to 1.12.2009. When the applicant tried to comply with the approval condition on the provision of FSI within 6 months under the planning permission (No. A/TW/407), FSD requested the applicant to upgrade the FSI previously installed and hence the applicant needed more time to comply with the approval condition of FSI.

#### Deliberation Session

53. After further deliberation, the Committee decided to approve the application for extending the time limit for compliance with approval condition (a) for 3 months until 21.5.2010. The permission was subject to the following conditions :

- (a) the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2010; 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.

54. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a temporary wavier to permit the applied use at the subject premises;
- (b) to submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance (BO) and its regulations;
- (c) to liaise with the management of Discovery Park regarding the car park management and security concerns of the residents; and
- (d) to note that the approved gross floor area (GFA) (4,333m<sup>2</sup>) for the proposed temporary motor-vehicle showroom covered all the GFA accountable areas under the BO and its regulations for the proposed use.

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

**Hong Kong District**

**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

(MPC Paper No. A/H15/237)

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55. The Committee noted that the applicant’s representative on 25.1.2010 requested for deferment of the consideration of the application for two months in order to allow time to resolve the concerns raised by Fire Services Department.

56. After 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.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting]

A/H8/387                      Proposed Residential Development  
in “Comprehensive Development Area (1)” zone,  
14-30 King Wah Road, North Point  
(Inland Lot 7106 s.B, s.C and R.P. and Extension (Part))  
(MPC Paper No. A/H8/387)

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57.            The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Chan who had current business dealings with Henderson had declared an interest in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Chan could stay in the meeting.

58.            The Committee noted that the applicant’s representative on 27.1.2010 requested for deferment of the consideration of the application for two months pending the Town Planning Board’s decision on the review application No. A/H8/398 for a residential development and the Committee’s decision on planning application No. A/H8/400 for an office development at the same site.

59.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration upon the Board’s/Committee’s consideration of applications No. A/H8/398 and No. A/H8/400.

**Agenda Item 11**

**Section 16 Application**

[Open Meeting]

A/H8/392                      Proposed Office Development  
with Eating Place and Shop and Services Uses  
in “Comprehensive Development Area (1)” zone,  
14-30 King Wah Road, North Point  
(Inland Lot 7106 s.B, s.C and R.P. and Extension (Part))  
(MPC Paper No. A/H8/392)

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60.            The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Chan who had current business dealings with Henderson had declared an interest in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Chan could stay in the meeting.

61.            The Committee noted that the applicant’s representative on 27.1.2010 requested for deferment of the consideration of the application for two months pending the Town Planning Board’s decision on the review application No. A/H8/398 for a residential development and the Committee’s decision on planning application No. A/H8/400 for an office development at the same site.

62.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration upon the Board’s/Committee’s consideration of applications No. A/H8/398 and No. A/H8/400.

**Agenda Item 12**

**Section 16 Application**

[Open Meeting]

A/H8/400                      Proposed Office Development  
with Eating Place and Shop and Services Uses  
in “Comprehensive Development Area (1)” zone,  
14-30 King Wah Road, North Point  
(I.L. 7106 s.B, s.C, R.P. and Portion of Extension to R.P.)  
(MPC Paper No. A/H8/400)

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63.            The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Chan who had current business dealings with Henderson had declared an interest in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Chan could stay in the meeting.

64.            The Committee noted that the applicant’s representative on 4.2.2010 requested for deferment of the consideration of the application in order to allow time to address departmental comments and concerns.

65.            After 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.

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/401                      Proposed Comprehensive Residential Development  
with Minor Relaxation of Building Height Restriction  
(Amendments to an Approved Master Layout Plan)  
in “Comprehensive Development Area (2)” and “Road” zones,  
Upper Kai Yuen Lane, Lower Kai Yuen Lane and Kai Yuen Street,  
North Point  
(MPC Paper No. A/H8/401)

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66.            The Secretary reported that during the considerations of the previously approved scheme (Application No. A/H8/395) of the subject application by the Committee on 23.10.2009 and 4.12.2009, the Chairperson had declared an interest as she owned a flat at Flora Garden, the Incorporated Owners (IO) of which had submitted a public comment on the previous application. Although IO of Flora Garden had not submitted any public comment under the current application, the Committee considered that it was prudent for the Chairperson to leave the meeting temporarily during the discussion and determination of the subject application. As the Chairperson had 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.

[Mrs. Ava S.Y. Ng left the meeting temporarily at this point.].

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

67.            Mr. Tom C.K Yip, STP/HK, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

(a) background to the application highlighting that the “Comprehensive

Development Area (2)” (“CDA(2)”) zone was divided into two parts by Kai Yuen Street. The site was the subject of a previous application (No. A/H8/395) submitted by another applicant for a phased comprehensive residential development approved with conditions by the Committee on 4.12.2009. The applicant of the current application had consolidated the ownership of the Wai Oi Mansion site and proposed to merge it into Phase 1 of the comprehensive development at the eastern part of the “CDA(2)” zone. The applicants of the subject application and the approved application had agreed to be joint venture partners for redevelopment of the site;

- (b) the proposed scheme was substantially the same as the approved scheme, without any change in the major development parameters of the site, such as plot ratio, GFA, site coverage, and layout and building height (BH) in the future phase at the western part of the “CDA(2)” zone. The proposed amendments to the approved master layout plan (MLP) mainly involved the deletion of the previously proposed residential block at the Wai Oi Mansion site, with the GFA of the block transferred to the three residential blocks in Phase 1. As a result, the BH was increased and the layout of the Phase 1 development changed. Planning permission for the amendment to the approved MLP and minor relaxation of the BH restriction were thus required. The applicant had proposed two options for the revised MLP for consideration by the Board and Option 1 was proposed as the preferred scheme;
- (c) under Option 1, the BH of the three blocks in Phase 1 would increase from 120mPD to 125.6mPD (+5.6m; +6.3% in terms of absolute BH) and from 30 storeys to 31 storeys respectively, with increase of the footprint of Block 2 to accommodate one additional unit per floor. The 5.6m increase in BH was attributed to the increase of one additional storey and the increase of the floor-to-floor height of residential floors from 2.9m to 3.0m. The 20m separate distance between the three blocks and the 5m distance between Block 3 and the eastern boundary of the site in the previously approved MLP remained unchanged;



- (d) under Option 2, the BH of Phase 1 would increase to 122.6mPD (+2.6m; +2.9% in terms of absolute BH), with increase in the footprints of Blocks 2 and 3 to accommodate one additional unit per floor. The number of storeys remains unchanged. The 2.6m increase in BH was attributed to the increase of the floor-to-floor height from 2.9m to 3.0m. The 20m separation distance between the three residential blocks in the approved MLP would be reduced to 18m, while the 5m distance between Block 3 and the eastern boundary of the site could be maintained;
- (e) the residential storey was increased to 27 in Option 1 while it remained as 26, same as the approved scheme, in Option 2. Both options had a floor-to-floor height of 3m for the residential floor. As a result, Option 1 would be higher than the approved scheme by 5.6m and Option 2 was higher than the approved scheme by 2.6m. While Option 1 could keep the 20m separation distance between blocks as requested by the Committee in the consideration of the previous MLP, Option 2 could only provide 18m buffer between blocks. In terms of building bulk, Option 2 would be larger than Option 1 by about 1.3%;
- (f) the applicant considered that there was only minor changes on the eastern portion of the MLP. With the deletion of a residential block at Wai Oi Mansion site, the overall visual permeability of the scheme would be improved and more areas could be allocated for greening. Moreover, Option 1 would be more preferable than Option 2 as it could keep the 20m separation distance between blocks;
- (g) departmental comments – Chief Town Planner/Urban Design and Landscape, Planning Department advised that the deletion of the proposed building on the Wai Oi Mansion site would improve the permeability of the proposed development and offer landscaping opportunities to enhance the visual amenity of the area. The proposed minor relaxation in BH under both options were acceptable in visual terms. However, Option 1 was preferred to Option 2 as it allowed wider building separation. Chief

Architect/Advisory and Statutory Compliance, Architectural Services Department considered that the deletion of the building block on the Wai Oi Mansion site was an improvement and the proposed options would not impose significant visual impact on the surrounding areas. Other concerned Government departments had no objection or no adverse comments;

- (h) a total of 210 public comments were received during the statutory publication period. All of them objected to the application. Grounds of objection included inadequate consultation with the residents at the application site; adverse traffic impact generated by the proposed development and the construction traffic; unacceptable pedestrian facilities proposed by the developer; Phase 1 and the future phase should be developed together; unjustified relaxation of BH which would cause adverse impact on air ventilation and light penetration; lack of natural terrain study, environmental impact assessment and visual impact assessment; and the proposed development should follow the BH restriction for the site on the OZP which was established after going through a due process and approved by the Chief Executive in Council. The District Officer (East) advised that residents in the district were very concerned about the BH. Strong objections were expected for any relaxation of the BH restriction; and
  
- (i) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper and considered that Option 1 with a BH of 125.6mPD, smaller footprint and wider building separation for Phase 1 development, as compared with Option 2 with a BH of 122.6mPD, was preferred. The proposed development under the revised MLP was generally in line with the planning intention of redeveloping the “CDA(2)” zone with the implementation of road improvement measures. The deletion of one building block would improve the permeability of the proposed development and offer more landscaping opportunities to enhance the visual amenity of the area. The proposed increase of the floor-to-floor height from 2.9m to 3.0m under both options was considered not excessive

nor unreasonable. The proposed relaxation in BH restrictions under Options 1 and 2 were acceptable in visual terms. While Option 1 had a slightly greater BH of 125.6mPD for Phase 1 development as compared with 122.6mPD in Option 2, it would involve a smaller building footprint and greater openness and space for landscaping provision, while maintaining the 20m separation distance between the three blocks and 5m distance between Block 3 and the innermost corner of the eastern boundary previously imposed by the Committee during the consideration of the approved application. In general, Option 1 was preferred. For the public's comments on the adequacy of consultation, the application was published for three weeks according to the Town Planning Ordinance for public comments. As regards the BH issue, the minor relaxation of the BH in the revised MLP was considered more desirable from visual, air ventilation and landscape perspective. Lastly, regarding the public's concern on adverse traffic impact, AC for T/U, TD had no adverse comments on the proposed development from the traffic viewpoint.

68. A Member asked if there was sufficient grounds to support the increase in floor-to-floor height from 2.9m to 3m. Mr. Tom C.K. Yip answered that the minimum floor to ceiling height was 2.5m under the Building (Planning) Regulations. Allowing about 300mm for the floor slab, the floor-to-floor height should be about 2.8m. He considered that the 3m floor-to-floor height proposed by the applicant was a reasonable height as it would allow the residents a more desirable living space.

#### Deliberation Session

69. A Member supported Option 1 as the deletion of one residential block would allow more landscaping areas and the 20m separation distance between blocks as requested by the Committee in the consideration of the last application could be kept. The difference of 3m in maximum building height between the two proposed options was insignificant. Another Member also supported Option 1 as the slight increase of building height in Option 1 was acceptable.

70. In response to a Member's query on the use of Wai Oi Mansion site, Mr. Yip

replied that a 3-storey podium with a shuttle lift lobby and greenery on top was proposed. There would not be any residential block at the Wai Oi Mansion site.

71. After further deliberation, Members generally agreed that Option 1 was a more desirable option than Option 2 and the Committee decided to approve the Master Layout Plan (MLP) and the application of Option 1, 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 12.2.2014, 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 (e) 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, lay-bys and barrier-free pedestrian footpaths 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 surrendering of the private land covered by the widened Kai Yuen Street under Phase 1 development to the Government, as proposed by the applicant, 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 phase 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; and
- (h) no occupation of Phase 1 development was allowed before the completion of the proposed road improvement works in Phase 1 development.

72. The Committee also agreed to advise the applicant :

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (b) that the approval of the application did not imply that the proposed gross floor area (GFA) concession for the proposed development would be granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. If GFA concession 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;
- (c) to resolve any land issue relating to the development with other concerned owners of the application site;
- (d) to note the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD)'s comments in paragraph 10.1.1(b) of the MPC Paper regarding the restriction on the use of Kai Yuen Street by

construction vehicles during the construction period;

- (e) to note AC for T/U, TD's comments in paragraph 10.1.1(c) of the MPC Paper regarding the provision of an alternative pedestrian access to the western part of the site via the existing staircase near Block 5 of Tanner Garden;
- (f) to note the District Lands Officer/Hong Kong East, Lands Department's comments in paragraph 10.1.3(f) of the MPC Paper regarding the requirement of tree preservation under land administration policy;
- (g) to note the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department's comments in paragraph 10.1.4(b) of the MPC Paper 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; and
- (h) to note the comments of the Railway Protection & Land Survey Manager, Mass Transit Railway Corporation Limited (MTRCL) in paragraph 10.1.10 of the MPC Paper regarding the protection of MTR Island Line tunnel below the site.

[Mrs. Ava S.Y. Ng returned to join the meeting at this point.].

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/402                      Proposed Shop and Services, Exhibition and Convention Hall,  
Office, Eating Place in "Other Specified Uses" annotated "Pier" zone,  
Part of G/F and M/F, North Point Ferry Pier (East),  
North Point  
(MPC Paper No. A/H8/402)

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Presentation and Question Sessions

73. Mr. Tom C.K Yip, STP/HK, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office, Chinese medical clinic, conference room, shop, exhibition and sale area, and eating place uses were located at the G/F and M/F of the eastern pier of North Point Ferry Piers with the proposed gross floor areas for the Chinese medical clinic and the conference room accounting for about 100m<sup>2</sup> each. The applicant had claimed that the vacant areas of the ferry pier were proposed to be rented out for suitable commercial uses so as to generate additional revenue to cross-subsidise the ferry operation which had been affected by the drop in the number of ferry passengers and the financial turmoil. As only beverage and pre-cooked food would be served at the eating place, the sewage generated would not overload the existing sewage system. The proposed exhibition and sale area with a width of only 0.6m on the two sides of the corridor for ferry passengers would not cause any inconvenience to the ferry passengers;
- (c) departmental comments – Assistant Commissioner for Transport/Management and Paratransit, Transport Department supported the planning application as it would help improve the viability of ferry service and stabilise fare by generating more non-fare box revenue. As regards the pedestrian circulation, the applicant should provide means to segregate the visitors from the ferry passengers. Chief Town Planner/Studies and Research, Planning Department (PlanD) advised that the subject ferry pier fell within the study area of Hong Kong Island East Harbour-front Study, the objective of which was to formulate a comprehensive plan for enhancement of the Hong Kong Island East harbour-front areas. No objection/adverse comments from other concerned Government departments were received;

- (d) one public comment from Designing Hong Kong Limited was received during the statutory publication period. The commenter supported a comprehensive redevelopment of North Point Ferry Piers with right of access and recreation for local residents and visitors, and recommended the inclusion of the piers and adjacent development sites into a “Comprehensive Development Area” zone. Pending the review, the commenter supported enhancing the piers with the uses as proposed in the application. No local objection was received by the District Officer (East); and
  
- (e) the PlanD’s views – PlanD had no objection to the proposed shop, eating place and exhibition and sale area uses, but did not support the proposed office, conference room and Chinese medical clinic uses based on the assessment made in paragraph 10 of the Paper. The planning intention of the “OU(Pier)” zone was primarily to reserve land for Government or public piers providing marine services in the harbour areas. The application premises should be for uses which were related to and compatible with the use of the pier and the harbour-front setting. The proposed shop, eating place, and exhibition and sale area were small in scale, and were considered related to and compatible with the existing pier use in that they would provide convenient services to the ferry passengers, local visitors and tourists using the pier and the waterfront area. For the proposed office, conference room and Chinese medical clinic, they should be located elsewhere in properly designed commercial or office buildings. The applicant had not demonstrated that these uses were related to the existing pier use or the provision of marine services in the harbour areas, nor these uses were waterfront and tourism-related uses serving the ferry passengers, local visitors and tourists. There were no strong planning justifications for the provision of such uses at the subject pier. Regarding the public comment requesting for comprehensive redevelopment of North Point Ferry Piers and its adjoining areas, a planning brief for the adjoining ex-North Point Estate site had been endorsed by the Committee to guide the development of the site. The opportunity for enhancement of the piers to include commercial and tourism-related uses would be explored in the ongoing Hong Kong Island East Harbour-front Study.



74. A Member supported the incorporation of suitable uses in the pier but was concerned whether there was sufficient circulation space left for ferry passengers if uses such as eating place was allowed. The same Member also asked about the ferry service provided at the pier and the potential environmental impact caused by the proposed eating place. Mr. Tom C.K. Yip replied that the clear width of the corridor after excluding the proposed exhibition areas would be about 2.65m and TD had no objection to the proposal. As regards the ferry service currently provided, it ran between North Point and Kwun Tong, at a total of 26 services per day with one service running every half an hour. The total number of passengers was about 300 per day and hence the corridor space should be sufficient. As regards the potential impact caused by the proposed eating place, the applicant had claimed that only pre-cooked food would be served and Drainage Services Department had no objection from drainage maintenance point of view. The Director of Environmental Protection also had no objection to the application if air conditioning system with fresh air intakes were installed at the northern end of the site. Relevant approval conditions would be imposed.

75. Another Member asked if the raised platform as shown in Plan A-4 for conference room use would reduce the width of the circulation space for ferry passengers. Mr. Yip responded that the clear width of 2.65m for the passenger corridor had excluded the steps to the raised platform. The raised platform existed at the time when an application for café use was approved in 2005. The proposed café had not been implemented.

#### Deliberation Session

76. A Member opined that the circulation space should be sufficient in view of the small number of ferry passengers every day. Another Member had no objection to introduce different uses into the pier but considered that management of the proposed uses should be strengthened to avoid causing similar environmental nuisance as that caused by the sea-food stalls at the West North Point Pier.

77. Another Member opined that the long term use of the pier should be carefully considered to be in line with the waterfront planning at North Point. The Chairperson said that the Hong Kong Island East Harbour-front Study would consider comprehensively the

enhancement of the harbour-front areas along Hong Kong Island East, including the application site.

78. After further deliberation, the Committee decided to partially approve the proposed shop, eating place and exhibition and sale area uses, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.2.2014, 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 measures to segregate the customers of the proposed commercial uses from the ferry passengers to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services (D of FS) or of the TPB; and
- (c) the installation of air-conditioning system with fresh air intakes for the proposed development to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB.

79. The Committee also agreed to advise the applicant :

- (a) to note the comments of DEP in paragraph 8.1.8 of the MPC Paper regarding the need to comply with the Water Pollution Control Ordinance and Air Pollution Control Ordinance; and
- (b) to note the comments of the D of FS in paragraph 8.1.9 of the MPC Paper regarding the requirements on the provision of sprinkler system and emergency vehicular access.

80. Members then went through the reason for rejection as stated in paragraph 11.3 of the Paper and considered that it was appropriate. After further deliberation, the Committee decided to reject the proposed office, conference room and Chinese medical clinic uses and

the reason was that the proposed office, conference room and Chinese medical clinic were not related to and compatible with the pier use and the waterfront areas. Such uses should be located elsewhere in properly designed commercial or office buildings. There were no strong planning justifications for providing such uses at the application premises.

[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.]

### **Kowloon District**

[Mr. Silas K.M. Liu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

#### **Agenda Item 15**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/196            Proposed Shop and Services  
                          in "Other Specified Uses" annotated "Business" zone,  
                          Workshop 3 on G/F, Canny Industrial Building,  
                          33 Tai Yau Street, San Po Kong  
                          (MPC Paper No. A/K11/196)

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

81.            Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application premises was the subject of three previous planning applications (Nos. A/K11/171, A/K11/183 and A/K11/194) for shop and services use. Application No. A/K11/171 was approved by the Committee with condition on 10.6.2005.

Application Nos. A/K11/183 and A/K11/194 were approved with conditions by the Committee on 4.7.2008 and 24.7.2009 respectively. However, both planning permissions were revoked by the Board on 4.1.2009 and 24.10.2009 respectively due to the non-compliance of planning condition related to submission and implementation of fire safety measures;

- (b) the proposed shop and services;
- (c) departmental comments – concerned Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Wong Tai Sin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed use at the application premises was generally in line with the planning intention of the “Other Specified Use (OU) (Business)” zone, which was for general business use. It was also in line with the Town Planning Board Guidelines No. 22D for Development within “OU(Business)” zone in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. The use was not incompatible with the other uses within the same building. Relevant Government departments including Fire Services Department, Buildings Department and Transport Department had no objection to or adverse comments on the application. Since the last two approvals for the application premises had been revoked due to non-compliance with the approval condition, a shorter compliance period was proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant should be advised that should the applicant fail to comply with the approval condition again resulting in the

revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application.

82. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including fire service installations in the subject premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 12.5.2010; 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.

84. The Committee also agreed to advise the applicant :

- (a) that a shorter compliance period was imposed in order to monitor the progress of compliance with the approval condition;
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application; and
- (c) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification.

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/607            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  
                         (MPC Paper No. A/K14/607)

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**Presentation and Question Sessions**

85.            Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application premises was the subject of two previous planning applications (No. A/K14/514 and A/K14/599). The first application (No. A/K14/514) was rejected by the Town Planning Board (TPB) upon review on 30.3.2007 for the reason that the application was not acceptable from fire safety point of view. The second application (No. A/K14/599) covered the whole subject premises for wholesale trade use was rejected by the Committee on 4.9.2009 for the reason that the application was not acceptable from fire safety point of view;
- (b) the wholesale trade;
- (c) departmental comments –Director of Fire Services (D of FS) objected to the application. The proposed wholesale trade use in the basement of the subject industrial building was not supported from fire safety point of view as the basement was more susceptible to fire risk and posed more serious hazards when involved in fire. Other concerned Government departments had no objection/adverse comments;

- (d) two comments were received during the statutory publication period. 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, goods vehicles traffic to and from the subject industrial building would increase and cause inconvenience to other units of the building and worsening the traffic jam near the subject building at Kwun Tong Road. No local objection was received by the District Officer (Kwun Tong); 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 wholesale trade use in the basement of the industrial building was more susceptible to fire risk and posed more serious hazards when involved in fire. Under such circumstances, the wholesale trade use in the basement of the subject industrial building was not supported from fire safety point of view. Furthermore, the wholesale trade use did not comply with the Town Planning Board Guidelines No. 22D for Development within the "OU(Business)" Zone in that commercial use in the basement of an industrial building was not supported from fire safety point of view.

86. Members had no question on the application.

#### Deliberation Session

87. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. After deliberation, the Committee decided to reject the application and the reason was that the wholesale trade in the basement of an industrial building was considered not acceptable from fire safety point of view.

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

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

### **Special Duties Section**

[Miss Fiona Lung, Chief Town Planner/Special Duties (CTP/SD) and Mr. K.W. Ng, Senior Town Planner/Special Duties (STP/SD), were invited to the meeting at this point.]

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/11            Proposed Exterior Designs for 'Pier' at Site A and  
                          'Helicopter Landing Pad' at Site B  
                          in "Other Specified Uses" annotated "Pier" and  
                          "Other Specified Uses" annotated "Helipad" zones,  
                          Sea Area to the Northeast of Existing Wan Chai East Ferry Pier  
                          in Wan Chai North to be Reclaimed (Site A) and Existing Pier Site  
                          and its Adjoining Area at the Northern Tip of Expo Drive East  
                          in Wan Chai North (Site B)  
                          (MPC Paper No. A/H25/11)

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88.            The Secretary reported that Professor Bernard V.W.F. Lim being the principal of AD+RG Ltd. which was one of the consultants of the applicant, had declared an interest on this application. The Committee noted that Professor Lim had left the meeting already.

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

89.            Mr. K.W. Ng, STP/SD, presented the application and covered the following aspects as detailed in the Paper :



Background

- (a) the new Wan Chai ferry pier at Site A and the permanent government helipad at Site B were proposals shown on the Recommended Outline Development Plan prepared under the Planning and Engineering Review for the Wan Chai Development Phase II (WDII). The new ferry pier was a replacement of the existing Wan Chai East and West Ferry Piers which needed to be demolished for the planned reclamation works for the construction of the Trunk Road comprising the Central–Wan Chai Bypass and Island Eastern Corridor Link (the Trunk Road). The permanent government helipad was to replace the existing temporary government helipad at the ex-Wan Chai Public Cargo Working Area (ex-PCWA). Shared use of the helipad by commercial operators would be allowed but priority would be given to Government operations at all times ;
  
- (b) Sites A and B were zoned “Other Specified Use (OU) (Pier)” and “OU(Helipad)” respectively. According to the Notes of the OZP, ‘Pier’ and ‘Helicopter Landing Pad’ were always permitted. However, under the Remarks of the Notes, planning permission was required from the Town Planning Board (the Board) for the exterior design for any development within these two zones;

The proposal

- (c) the theme of ‘Modern City’ was adopted for the proposed exterior designs for ‘Pier’ at Site A and ‘Helicopter Landing Pad’ at Site B. Modern built forms and ‘wall-tree’ patterned facades were proposed;
  
- (d) the ferry pier at Site A was a 2-storey building above deck with maximum building height of 20mPD. There would be no solid facades. The structural columns would be covered by aluminium claddings, with bracings branching out in an abstract tree pattern to capture the gesture of the “wall-tree” which is a recognized local characteristic of the historic masonry retaining walls in Wan Chai and Central areas. The pier deck would form a landscaped observation deck for the public;

- (e) the proposed helipad at Site B would comprise three helicopter pads (two for landing/take-off pads and one for parking), a terminal building and noise barriers. The terminal building would be a two-storey framed structure with a total GFA of 180m<sup>2</sup> and a maximum building height of 15.95mPD. The proposed façades of the building would be covered with glazed cladding embedded with random and abstract tree pattern. The roof of the building would be landscaped to complement and enhance the landscaping of the Golden Bauhinia Square (GBS). Transparent noise barrier panels decorated with tree pattern and images of Wan Chai history would be used;

Departmental comments

- (f) Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) advised that detailed facade treatment should blend in with the design of the future waterfront park and the key landmarks at the waterfront. Opportunities for greening the pier, particularly for the roof cover, should be maximised to enhance the visual amenities of the harbour-front area. Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) advised that an approval condition on design and provision of access, car parking and loading/unloading spaces for the helipad should be imposed. AC for T/U also relayed the comments of the existing ferry operator that peripheral planting at the observation deck of the pier was not recommended as watering of the plants would cause inconvenience to crews' mooring operations and water drops would also contaminate the exterior look of the pier. Moreover, the noise from the government helipad would cause nuisance to ferries passing near the helipad site thus affecting navigation safety and passengers' riding comfort. Director-General of Civil Aviation (DCA) advised that the exterior finishing of the pier and the helipad terminal building and external lighting of the pier should not cause glare. Vegetation at the helipad site should not attract birds;

Public consultation

- (g) the applicant had consulted the public (over 1,200 view collection forms

received), the Development, Planning and Transport Committee of the Wan Chai District Council (Wan Chan DC), and the Sub-committee on Harbour Plan Review of the HEC (the HEC Sub-committee) on two options of the design themes for the ferry pier and helipad, namely ‘natural waterfront’ and ‘modern city’. The consultees preferred the ‘modern city’ option;

- (h) two public comments were received from Designing HK Ltd. (DHK) during the statutory publication period objecting to the application. Regarding the pier site, DHK considered that the OZP restrictions on the size of kiosks to no larger than 10m<sup>2</sup> each was not optimal; it was unclear whether the proposed design of the ferry pier could cater for food and beverage facilities including restaurant on the roof; and the proposed design had not considered the future need for banners and advertising displays. On the helipad site, DHK opined that four landing pads were required; the proposed vehicular access might affect accessibility of the adjacent harbour cruise pontoon; no provision had been made for restaurant or kiosk which would deteriorate the service level for tourist as compared with the existing Government helipad site; and the proposed design of the helipad only met the technical requirements and failed to be part of the developments in Wan Chai waterfront. The District Officer (Wan Chai) advised that the views of the Wan Chai DC members had already been reflected in the applicant’s submission;

Planning Department (PlanD)’s views

- (i) PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed designs of the pier and the helipad were compatible with the planned “Water Park Precinct” and “Arts and Cultural Precinct” respectively at the Wan Chai waterfront. The ‘modern city’ design theme was in line with the Board’s Vision Statement for Victoria Harbour. Approval condition to address CTP/UD&L’s concern on greening of the pier would be imposed;
- (j) as regards compatibility with the existing and planned developments in the surroundings, all the buildings and noise barriers of the two developments

would not exceed the development restrictions on the OZP. No adverse visual impact on the existing and planned developments in the vicinity including Hong Kong Convention and Exhibition Centre, GBS, Shatin to Central Link, the planned waterfront park to the immediate south of the new ferry pier, and the planned public toilet adjacent to the government helipad was envisaged. Approval condition to address CTP/UD&L's comment on detailed façade treatment of the pier would be imposed;

- (k) the proposed designs were compatible with the ferry and helicopter services. The technical concerns of DCA, D of FS and AC for T/U and the existing ferry operator including flight safety concern in relation to the vegetation in the vicinity of the helipad and the external lighting of the ferry pier, provision of fire service installations, the provision of access, parking and loading/unloading and the inconvenience caused by the watering of plants, could be addressed by imposing relevant approval conditions. Regarding the existing ferry operator's concerns on navigation safety and passengers' comfort, similar points were raised by the same operator who had submitted a further objection to the draft Wan Chai North OZP. After hearing the objection, the Board decided not to meet the objection in consideration that the helipad would be designed in accordance with relevant safety standards and would not have any impact on the navigation routes of the ferry. Concerned departments raised no comment or no objection on the issues in the subject application; and
- (l) for the public comments, the permission sought under the current application was not the use of the sites but the exterior designs. The proposed pier design would not be affected by future restaurant use of which separate planning permission would be required. Billboards at the perimeter of the pier were in conflict with the proposed pier design and future billboard at the pier would require planning permission if it was higher than 20mPD. For the helipad site, food and beverage facilities were not compatible with the Government helipad use. There were provisions under the OZP for locating such uses in the three "OU (Waterfront Related Commercial and Leisure Uses)" zones to the southeast or the adjoining

“Open Space” zone. Lastly, approval condition to address the concern on accessibility to the adjacent pontoon would be imposed.

90. In view of the harbourfront location, a Member asked why a two-storey terminal building would be required at the helipad site (Site B) and whether there would be immigration service. Miss Fiona Lung, CTP/SD replied that the 2-storey terminal building would need to accommodate control room and other necessary facilities. The helipad was a Government helipad for Government Flying Services and shared use by commercial operators would be allowed when there was spare capacity. It was not intended to provide cross boundary service and hence no immigration office would be accommodated in the terminal building. The same Member also had concern on the potential noise impact on the visitors of Golden Bauhinia Square generated by the helicopter services. Miss Lung explained that Site B was selected as the only suitable one after an extensive site search exercise involving 19 sites along the northern shore of Hong Kong Island. The noise barriers erected would be able to satisfy the requirements of EPD on the potential noise impact on the surroundings. This Member further opined that the building height of the terminal building should be minimized so as to keep an open vistas at the waterfront. Miss Lung responded that the proposed terminal building complied with the building height and gross floor area restrictions on the OZP.

91. Another Member asked whether the plant species selected would attract birds and hence affect the operation of the helipad. Miss Lung replied that plants at Site B would be carefully selected to avoid attracting birds to the helipad. The same Member also opined that the two design options of the pier (Site A) based on the natural theme and the modern theme did not look very different and asked whether the tree-wall pattern above deck could be extended further downward to the pier structure. Miss Lung responded that the Consultant had already studied many different design options and the selected option was the best in terms of visual quality. Nevertheless, the comment could be relayed to the applicant.

#### Deliberation Session

92. 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 12.2.2014, 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 :

Ferry pier

- (a) the submission and implementation of detailed exterior design proposal (including external finish and colour scheme) to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of external lighting proposal to the satisfaction of the Director-General of Civil Aviation or of the TPB; and
- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

Government helipad

- (a) the submission and implementation of detailed exterior design proposal (including external finish and colour scheme for the terminal building and noise barriers) to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

93. The Committee also agreed to advise the applicant :
- (a) to note the requirements of emergency vehicular access as stipulated in Part VI of the “Code of Practice for Means of Access for Fire Fighting and Rescue” administered by the Buildings Department; and
  - (b) to note the remark of Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (ArchSD) that advice on the exterior designs for the ferry pier and government should be sought from the Design Advisory Panel of ArchSD.
94. The Committee also agreed to request the applicant to examine whether the tree-wall pattern above deck of the proposed pier could be extended further downward to the pier structure.

[The Chairperson thanked Mr. K.W. Ng, STP/SD, for his attendance to answer Members’ enquiries. Mr. Ng left the meeting at this point.]

**Agenda Item 18**

Any Other Business

95. There being no other business, the meeting was closed at 12:00 noon.