

TOWN PLANNING BOARD

**Minutes of 427th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 24.9.2010**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Professor P.P. Ho

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. Wong

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. Olga Lam

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

Secretary

Absent with Apologies

Dr. Winnie S.M. Tang

Professor Joseph H.W. Lee

Ms. L.P. Yau

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
Mr. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 426th MPC Meeting held on 10.9.2010

[Open Meeting]

1. The draft minutes of the 426th MPC meeting held on 10.9.2010 were confirmed subject to the following amendments:

Replacing the last two sentences of paragraph 61 with the following sentence:

With regard to the traffic impact of the subject development on traffic conditions in the wider vicinity of Wan Chai and Causeway Bay, this would be taken into account in the context of relevant district traffic studies.

Agenda Item 2

Matters Arising (i)

[Closed Meeting]

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

Matters Arising (ii)

[Open Meeting]

Matters Arising from the Proposed Amendments
to the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/14

3. The Secretary reported that the following Members had declared interests in this item:

Mr. Maurice W.M. Lee	-	Owned a property at Link Road
Professor Joseph H.W. Lee	-	Owned a property at Hawthorn Road
Ms. Ophelia Wong (the Secretary)	-	Owned a property at Broadwood Road

4. Members noted that Mr. Maurice Lee had not arrived at the meeting yet and Professor Joseph Lee had tendered apologies for being unable to attend the meeting. Regarding the Secretary's interest, Members noted that the Committee previously considered that the role of the Secretary was mainly to provide support to Members on procedural matters and would not take part in decision-making, and agreed that the Secretary could stay at the meeting.

5. The Secretary reported that at the last MPC meeting held on 10.9.2010, the Committee considered the proposed amendments to the draft Wong Nai Chung OZP involving the revision to the building height restrictions for the north-western and western parts of the "Government, Institution or Community" ("G/IC") zone covering the Hong Kong Sanatorium and Hospital (HKSH) site from 12 storeys to 89mPD and 115mPD respectively. During the meeting, Members noted that HKSH's scheme had proposed a 27m-wide building setback from Wong Nai Chung Road above the two-storey car parking podium at the north-eastern part of the site. After deliberation at that meeting, Members agreed that the OZP and Notes should be revised to amend the building height restriction for the proposed setback area from 12 storeys to 2 storeys (excluding basement) to ensure the provision of the setback. The proposed amendments to the OZP and its Notes and the Explanatory Statement were agreed by the Committee subject to the above amendment.

6. The Secretary said that an extract of the OZP showing the agreed amendment items and revised Notes for the "G/IC" zone had been tabled at the meeting. To ensure the setback provision, it was proposed to stipulate in the Notes of the "G/IC" zone that the provision for development/ redevelopment to the height of the existing building was not applicable to the part of the HKSH site which was subject to a maximum building height of 2 storeys (i.e. the area covered by Amendment Item A3 in the plan).

7. Members agreed to the proposed amendments which reflected the decision in the last MPC meeting.

Kowloon District

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mr. Vincent T.K. Lai, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K7/6 Application for Amendment to the
Approved Ho Man Tin Outline Zoning Plan No. S/K7/20
from “Government, Institution or Community”
to “Residential (Group E)1”, 25 Man Fuk Road, Ho Man Tin
(KIL No. 9456 RP & Ext.)
(MPC Paper No. Y/K7/6)

Presentation and Question Sessions

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

Mr. Eric C.K. Yue - District Planning Officer/Kowloon (DPO/K); and
Mr. Vincent T.K. Lai - Senior Town Planner/Kowloon (STP/K).

9. The following representatives of the applicants were invited to the meeting at this point:

Mr. Phill Black
Mr. Kenneth Chan
Mr. Allan Wang
Mr. Ng Chung Ming
Mr. Daniel Tong
Ms. Claudine Lee

Mr. Duncan Hui
Mr. Nelson Lung
Ms. Susan Lee

10. Professor S.C. Wong declared an interest in this item as an extract of a survey report tabled by the applicant was prepared by the University of Hong Kong, of which Professor Wong was an employee. As Professor Wong was not involved in the survey, Members agreed that he could stay in the meeting.

11. The Chairman extended a welcome and explained the procedures of the hearing. Mr. Vincent Lai, STP/K, was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Mr. Lai presented the application as detailed in the Paper and made the following main points :

The Proposed Amendments

- (a) the applicant proposed to rezone the application site from “Government, Institution or Community” (“G/IC”) to “Residential (Group E)1” (“R(E)1”) to facilitate the redevelopment of the existing school (New Method College), which would be closed down in 2012, into a residential-cum-GIC development;
- (b) the applicant proposed that development or redevelopment in the proposed “R(E)1” zone be subject to a maximum plot ratio of 5.0 of which a minimum plot ratio of 0.6 should be used for “G/IC” purposes, and the maximum building height should be 90mPD, or the plot ratio and height of the existing building, whichever was the greater. Any domestic building or domestic part of the building should be of single aspect building design and should incorporate environmental mitigation measures to mitigate traffic noise impact from Princess Margaret Road. Exemption clause to allow gross floor area (GFA) exemption for ancillary uses/facilities and provision for minor relaxation of building height restriction were also proposed;

- (c) according to the indicative scheme submitted by the applicant, the total GFA of the proposed development was 11,055m². The proposed building height was 90mPD, or 23 storeys (17 domestic floors over 6 podium floors). A total of 51 flats, with an average size of 191m², would be provided. A GIC facility (IT Training Centre) was proposed on Lower Ground 4th Floor (LG4/F) of the development;

Departmental Comments

- (d) the District Lands Officer/Kowloon West, Lands Department (DLO/KW) had no objection to the application. The site was restricted for school use. It was lawful for the Government to re-enter the lot if the building had ceased to be used for the said school. Lease modification subject to payment of premium would be required to allow the proposed “R(E)1” development;
- (e) the Director of Environmental Protection (DEP) had no objection to the application. The site was in principle not preferred for residential development as it was subject to severe road traffic noise from the heavily trafficked Princess Margaret Road and its flyover. DEP however did not have adverse comments on these noise mitigation measures subject to the successful implementation of the proposed noise mitigation measures to achieve 100% road traffic noise compliance rate;
- (f) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that the application site formed part of a belt of GIC uses along Princess Margaret Road and should the land use change be considered appropriate, the proposed building height of 90mPD was not unacceptable taking account of the building height of the adjacent residential neighbourhood which was around 90mPD;
- (g) the Education Bureau (EB) did not see any problem in connection to the proposed closure of the existing school as the student population was declining. EB was in no position to comment on the proposed IT Training

Centre as proposed;

Public Comments

- (h) on 26.2.2010, the application was published for public inspection. During the first 3 weeks of the public inspection period, 69 comments were received. Among them, 63 commenters objected to the application for the reasons of possible adverse impacts on air ventilation and property value, creation of wall effect and reduction of sunlight penetration. The proposed development might also lead to adverse impacts on the environment, traffic, noise, air quality, and the character of the area. Some commenters were concerned about the loss of the “G/IC” site for community use. There were suggestions that the site should be returned to the Government for other uses if school use was no longer required. There were also suggestions that the subject site/building should be used for community facilities and open space, such as elderly centre, community centre and park/garden. The remaining 5 commenters did not object to the application but had similar concerns/comments on the above-mentioned issues;

- (i) on 16.7.2010, further information on the application was published for public inspection. During the public inspection period, 72 comments were received. Among them, 61 objected to the application for reasons similar to those previously received;

Planning Department (PlanD)’s views

- (j) PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper, which was summarized as follows:
 - (i) the application site formed an integral part of a belt of “G/IC” zone for school, institution and Government uses along Princess Margaret Road. The “G/IC” zone was intended primarily for the provision of GIC facilities serving the needs of the local residents as well as the

general public. The proposed residential development at the application site, which was situated in the middle of the “G/IC” belt, would bisect the continuous “G/IC” belt and disrupt its continuity and integrity, and hence, was considered undesirable. There was a need to maintain the continuity of the “G/IC” belt. The “G/IC” zoning of the application site should be retained;

- (ii) the applicant had made reference to the “R(E)” site at 81 Chung Hau Street, which was rezoned from “G/IC” to “R(E)” for residential development with the provision of environmental mitigation measures and was earmarked for a proposed self-financing post-education institution. That rezoning was however not comparable to the current application as that “R(E)” site was previously used for police married quarters and did not form part of a continuous “G/IC” belt;
- (iii) there were local objections against the application. Some of them indicated that if school use was no longer required, the building/site should be returned to the Government for other uses, such as community and recreational facilities i.e. community centre, elderly centre and park/garden; and
- (iv) compared with the previous application (No. Y/K7/5) which was not agreed by the Committee on 21.8.2009, although the current application had proposed to include an additional IT Training Centre, there were no strong planning justifications and merits for the subject rezoning proposal. The predominant use in the current application was still for residential purposes, and the G/IC use formed only a small part of the development. Given that there was no change in planning circumstances since the last rejection by the Committee, and in view of the assessments highlighted in paragraph 11 of the Paper, the current application was not supported.

12. The Chairman then invited the applicant’s representatives to elaborate on the

application. With the aid of a Powerpoint presentation, Mr. Phill Black made the following main points :

- (a) the facts and considerations that supported the rezoning application included the followings: (i) the proposal complied with TPB PG-No. 16 by allowing surplus/obsolete GIC facilities to be redeveloped for non-GIC use; (ii) there was no requirement to reserve private GIC site for unforeseen GIC demand. The Social Welfare Department and the Education Bureau did not object to the application; (iii) there was no objection from relevant Government departments on the residential development. Should the rezoning application be approved, details of the proposal could be provided at the s16 application stage; (iv) the redevelopment was small-scale as it involved only 51 flats; and (v) the Committee's decision in January 2008 agreeing to the rezoning of an obsolete GIC site to "R(E)" zone at the other side of Princess Margaret Road, i.e. 81 Chung Hau Street, was a relevant consideration;
- (b) the Waterloo Hill Road was an established residential community dominated by sites zoned "Residential (Group B)" ("R(B)") and was situated on an elevated platform by about 14m above Waterloo Road and Princess Margaret Road. The buildings were accessed via Man Fuk Road which had a one-way traffic routing with only one entry/exit point. The subject site was embedded within the "R(B)" residential community and was also accessed via Man Fuk Road;
- (c) the subject site was purchased by the applicant through a public tender at open market value. The existing school, which was built in 1973, would be closed down in 2012, as there was substantial decline in the demand for school places. The subject site, with an area of only 2,211m², was not suitable for school redevelopment as it was too small to meet the Government's Y2K school design standards;
- (d) in the proposed "R(E)1" zone, 'flat' would require planning permission from the Board and therefore the details of the proposal could be

scrutinized by the Board at the s16 planning application stage;

Responses to PlanD's concerns

- (e) although PlanD considered that there had been no change in planning circumstances since the rejection of the previous application in August 2009, it should be noted that there were material changes in the planning circumstances, including:
 - (i) the position of DEP who had no objection to the current rezoning application;
 - (ii) there were 92 vacant school premises falling on Government land, which were being assessed for non-educational uses;
 - (iii) the rezoning proposal had included 12% of the total GFA for GIC needs (i.e. IT training). This corresponded with the 2009-2010 Policy Address to cater for the needs of after-school learning;
 - (iv) there was an urgent need to make available sites for housing supply to redress price inflation. The proposed residential development, if approved, would be available in 2013-2014; and
 - (v) the "R(E)" site at 81 Chung Hau Street was subsequently earmarked for the development of a "self-financing post-secondary education institution", which indicated that there was no demand to re-use obsolete GIC sites for new community facilities in the district.

- (f) regarding PlanD's view that there were no strong planning justifications and merits for the rezoning application, the applicant considered that there were merits arising from the approval of the application:
 - (i) the rezoning proposal satisfied all planning criteria listed under TPB-PG No. 16;

- (ii) the subject site constituted only about 0.31% of the total areas zoned “G/IC” . The rezoning of the site from “G/IC” to “R(E)1” would have no effect on the supply of “G/IC” sites. As there were only 115 residents in the proposed residential development, the extra need on district open space and GIC facilities was minimal;
- (iii) there was no requirement from the relevant Government departments to use the site for “G/IC” facilities. It was also considered that there was already an adequate supply of GIC facilities within the Ho Man Tin Estate redevelopment, the social service/community facilities hub at Sheung Shing Road and the YWCA redevelopment which expanded the GFA for social services by 2.5 times. Therefore the proposed rezoning would not affect the supply of GIC facilities in the area;
- (iv) the scale, density and massing of the proposed residential development were acceptable, and the Urban Design Unit of PlanD agreed that the massing of the residential block was compatible with the adjacent developments. The inward facing block design was also similar to nearby buildings at Man Fuk Road;
- (v) the proposed plot ratio of 0.6 for GIC use was appropriate for a profit-making IT training centre. The proposed building height of 90mPD was about 10% lower than the surrounding buildings within the “R(B)” zone. The single aspect block design was in line with EPD’s environmental planning guidelines. The basement design would avoid having a car park podium on Man Fuk Road. The proposed development would also fulfil the setback requirements set out in the Outline Development Plan;
- (vi) the proposed residential development would not bring about adverse impact on the local traffic conditions. As compared with school use, traffic volume arising from the proposed residential use would

be reduced;

- (vii) according to the Air Ventilation Assessment (Expert Evaluation) conducted by PlanD in 2008, the prevailing wind coming from the East would be blocked by the Ho Man Tin Estate redevelopment. The proposed residential development would not affect the local breathing space;
- (viii) the proposed rezoning would also eliminate the introduction of another GIC use which would induce outsiders into an established residential area, and would bring certainty to the local residents that the subject site would not be used for any undesirable GIC use in the future;
- (ix) according to an independent survey conducted by the University of Hong Kong (HKU) in March 2010 in which 370 residents were interviewed (the conclusion of the survey was tabled at the meeting by the applicant), more than half of the respondents agreed to changing the subject school site into a “private residential project” after the school closed down in 2012. This figure compared favourably with the number of commenters objecting to the rezoning application. The commenters were generally concerned about the design and technical aspects of the proposed development rather than the proposed residential use;
- (g) while PlanD considered the bisection of the continuous “G/IC” zone undesirable, no evidence had been presented to demonstrate its undesirability. Based on the following reasons, it was considered that rezoning the site to residential use would enhance the integrity and continuity of the dominant residential character:
 - (i) there had been previous rezoning of “G/IC” sites on government land for private residential purposes within the Ho Man Tin area that also bisected a continuous “G/IC” zone. These sites had been

developed into private residential developments, including Ellery Terrace and Dragon Tower. The most recent precedent involved the rezoning of 81 Chung Hau Street from “G/IC” to “R(E)” which was agreed by the Committee in January 2008. There was no concern raised regarding the bisection of the “G/IC” zone by the Committee at that time, even though the situation was similar to the subject site;

- (ii) the “G/IC” belt could be divided into two sub-areas: the northern sub-area comprising the Hong Kong College of Technology International, Workers’ Children School and an ambulance depot, and the southern sub-area which included Yu Chun Keung Memorial College and the subject site. These two sub-areas were different functionally and physically;
- (iii) the northern sub-area was situated at a lower level at about 17-19mPD. The buildings were of varied building heights up to 31mPD. Access to the sites was from Princess Margaret Road and there was no connection between the three sites. The existing uses on these three sites were non-profit making institutional uses under private treaty grants, and therefore prior approval for any change of use was required from the Executive Council (ExCo). These sites had no connection with the adjacent residential developments at Man Fuk Road;
- (iv) the southern sub-area was situated at a higher level at about 30mPD, which was the same as the residential sites at Waterloo Hill Road. The building heights of Yu Chun Keung Memorial School and New Method College were 48mPD and 63mPD respectively. Both sites had access from Man Fuk Road. The southern sub-area was physically and functionally related to the adjoining “R(B)” sites, but not with the northern sub-area. Of the two sites in this sub-area, Yu Chun Keung Memorial School was for non-profit making education use under private treaty grant, while the subject site was

for profit-making educational use. Therefore, the subject site was the only site which did not require prior ExCo approval for a change of use.

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

13. A Member asked whether the land grants were the same for all the five sites in the “G/IC” belt. Mr. Allan Wang replied that only the subject site was sold at full premium by public tender and the four other sites in the “G/IC” belt were disposed of by private treaty grants at nil or concessionary premium. It was quite common to find a clause in the lease stating that the Government could re-enter the lot if the land was not used for the prescribed purpose. Ms. Olga Lam said that if a site was disposed of by private treaty grant, there would be a clause in the lease conditions stipulating that if the site ceased to be used for the specific purpose, it would be lawful for Government to re-enter upon the lot.

[Ms. Julia Lau arrived to join the meeting at this point.]

14. In response to a question from the same Member, Ms. Olga Lam replied that it was not uncommon in those days for school sites disposed of by way of public tender. She did not have the information at hand how the adjacent G/IC sites were disposed of. If a non-profit making organization had obtained policy support to use Government land for a specific non-profit making purpose, then a private treaty grant might be granted.

15. The Vice-Chairman asked about the background of the two sites mentioned by the applicant’s representative which had been rezoned from “G/IC” to other uses. Mr. Eric Yue said that the Dragon Tower site was rezoned from “G/IC” to “R(A)” in 1994 based on the recommendation of the then Working Group on Land Supply. The Cascades site was rezoned from “G/IC” to “R(A)” for residential development by the Hong Kong Housing Society. Mr. Black said that the two sites were rezoned to “R(A)” to meet the demand for more housing sites.

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

16. The Vice-Chairman asked whether the observation made by Mr. Black in

comparing the views of the 370 residents interviewed in the HKU survey and those of the commenters received by the Board in relation to the subject rezoning application was his own observation or a comparison contained in the survey report. Mr. Kenneth Chan replied that the survey was undertaken near the end of 2009 to gauge the opinion of the residents living in Man Fuk Road with regard to the use at the subject site, and the survey findings should not be compared with the public comments received by the Board.

17. A Member asked how the TPB PG-No. 16 was relevant to the application. Mr. Eric Yue replied that the guidelines were only relevant to s16 planning applications for developments or redevelopments within a “G/IC” site. As the applicant sought to rezone the site to “R(E)1”, the guidelines were not relevant to the subject application.

[Mr. K.Y. Leung and Mr. Felix Fong left the meeting temporarily at this point.]

18. The same Member asked why the continuity of the “G/IC” belt was important and whether the provision of the GIC facility at LG4/F of the proposed residential development could be considered a continuity with the adjoining “G/IC” sites. Mr. Yue replied that the “G/IC” belt was important as it served as a buffer separating the residential developments at Waterloo Hill from Princess Margaret Road. Even with a proposed IT training centre at LG4/F, the predominant use of the subject site was still residential in nature. Mr. Yue continued to say that there were 69 public comments against the subject application. As compared with Application No. A/K7/94 concerning the redevelopment of YWCA Centre at Man Fuk Road for social welfare and hotel uses, only one public comment objecting to the proposal was received. This indicated that the local residents were more receptive to GIC facilities than residential developments at the Waterloo Hill area.

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

19. Mr. Black said that the need to maintain a continuous “G/IC” belt was not a major consideration in other similar rezoning applications. The justification that the “G/IC” belt could function as a buffer was not substantiated as any buildings within the belt could serve as a buffer irrespective of their use as a residential or GIC development. As regards the public comments, it should be noted that 56% of the public commenters were from Princess Tower Blocks D and E, which were located adjacent to the subject site. It was

therefore inaccurate to say that the residents in the neighbourhood generally objected to the application. The Committee was invited to take note of the conclusion of the survey prepared by the HKU regarding the views of the local residents.

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

20. The same Member continued to ask whether the proposal would be acceptable if the GFA of the GIC component was increased, say, by 5 to 10%. Mr. Yue replied that the proposal would not be acceptable if the predominant use remained residential. By referring to a photomontage showing the proposed residential redevelopment, Mr. Yue pointed out that the proposed building height would be increased from the existing height of 10 storeys to 23 storeys. Being close to Princess Margaret Road, the proposed residential development would be subject to severe traffic noise and hence a single aspect building design would have to be adopted. Such a design was not a good design for the development.

21. Mr. Black said that the photomontage was not taken from a public vantage point and therefore should not be taken to assess the visual impact generated by the proposed development. Mr. Black referred to a photomontage in his Powerpoint presentation and said that the proposed building height would be increased from the existing height of 63mPD to 90mPD, which was the same as the YWCA redevelopment and was lower than the building height restriction of 100mPD for the "R(B)" zone. The CTP/UD&L, PlanD had no objection to the proposed building height. Mr. Black also said that the single aspect building was not an unusual design as it was included in the EPD guidelines as a way to reduce the impact of traffic noise and such design had been used in other residential buildings.

22. A Member asked whether EPD had any concerns on the proposed residential development. Mr. C.W. Tse said that EPD had no objection to the proposed noise mitigation measures in mitigating the impact of traffic noise. However, noting that Sheung Shing Street Park was located at the other side of Princess Margaret Road, the single aspect building design, which would likely place the kitchen and toilet at the side of the building facing the park, was not a good design. He was also concerned whether the noise mitigation measures could be successfully implemented. Mr. Black said that noise impact should not be a concern in the subject application as the Committee had approved a rezoning application

in 2008 at 81 Chung Hau Street which also suffered from a high noise level at about 75dB(A).

23. In response to a question from the same Member, Mr. Kenneth Chan replied that the survey was conducted independently by HKU. The Secretary informed the Committee that the applicant had only tabled the conclusion of the survey at this meeting. The full survey report had not been submitted to the Committee as part of the application. The survey report, if submitted, should be regarded as further information of the application and according to the Town Planning Board Guidelines No. 32, the Secretary was delegated the authority to determine whether the further information could be accepted and exempted from the publication. According to the said guidelines, studies or reports would normally not be exempted from publication for public comments.

24. The Chairman asked whether the survey was commissioned by the applicant, and whether the nearby schools were interviewed in the survey. Mr. Allan Wang replied that the survey was commissioned by the applicant. Mr. Black said that the schools and their students were not interviewed as the purpose of the survey was to gauge the views of the local residents on the proposed change of use. There was no clear indication in the survey that the respondents preferred to keep the GIC use at the subject site, but the survey showed that the proposed residential use was generally considered acceptable by the respondents.

25. A Member asked what the average flat size of the proposed residential development was and whether the applicant had any response to Kowloon City District Councillor Mr. Benson Ng's comments (Appendix II(10) of the Paper) that the proposed rezoning might contradict efforts by the Government to deter speculation against luxurious properties. Mr. Black replied that the average flat size was 191m², which was reasonable considering that the Waterloo Hill area was an established neighborhood for middle to high income groups. The proposed residential development would help increase housing supply and hence help address the inflation of property prices.

26. A Member asked whether the decision to close down the school in 2012 was a commercial decision. Mr. Duncan Hui replied that the existing school was under the Direct Subsidy Scheme, where subsidy provided by the Government was based on the number of students of the school. As the student population had declined significantly, it was expected

that the school would not be able to survive after 2012.

27. The same Member also asked whether the clause stipulating the Government's right to re-enter the site should there be a change of use also applied to other sites. Mr. Allan Wang replied that the same clause could be found in other school sites, such as the former school site at Star Street in Wan Chai. Mr. Black said that the Star Street development (Starcrest) was a precedent case whereby a private school was closed down and the site was redeveloped as part of a private residential development.

28. Noting that the survey report was prepared in March 2010, the same Member asked why only the conclusion of the survey was tabled at the meeting. Mr. Kenneth Chan replied that the survey was conducted in November 2009. The applicant had taken into account the results of the survey when formulating the current proposal. Mr. Allan Wang said that the survey report should have been submitted to the Committee earlier.

29. As the applicant's representatives had no more points to make and Members had no more questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant's representatives of the Committee's decision in due course. The Chairman thanked the representatives of the applicant and PlanD for attending the meeting. They all left the meeting at this point.

[The meeting adjourned for a break of 5 minutes and resumed at 11:50 a.m.]

Deliberation Session

30. A Member said that although the proposed "R(E)1" zone would bisect the "G/IC" belt, the proposed residential development appeared quite compatible with the surrounding development when viewed from Man Fuk Road. The small size of the site might not be suitable for redevelopment to a new school. The traffic impact arising from the residential development might also be better than the existing school use.

31. The Vice-Chairman said that he did not support the application. The subject site could be used for GIC development other than school use and there was insufficient

information to prove that “G/IC” sites were adequate in the Ho Man Tin area to meet the community needs. The site at 81 Chung Hau Street, which was zoned “R(E)” but was now subsequently earmarked for the development of a self-financing post-secondary education institution had demonstrated that there was demand for more “G/IC” sites. The two sites which were rezoned from “G/IC” to “R(A)” some years ago was to meet the demand for housing supply at that time. However, he could not see how the proposed average flat size of 191m² of the subject development would help meet the current market demand for small-size flats.

32. A Member said that the application was not supported as the proposal would bisect the “G/IC” belt, which was considered undesirable. The fact that the subject site was sold through public tender should not be a relevant consideration in the rezoning application. The former school site at Star Street should not be regarded as a precedent in view of the different circumstances and site context.

33. A Member said that the application should not be supported but considered that the need to maintain a “G/IC” belt might not be strong for rejecting the application. He asked that whether there were possibilities to enhance the proposal, for example, by allowing a greater portion of GIC facilities to better meet the needs of the local residents, or by reducing the proposed building height. The Secretary said that the development scheme and the provision of GIC facilities had to be proposed by the applicant. The applicant could choose whether to submit a redevelopment proposal under s.12A or s.16 of the Town Planning Ordinance. If the applicant chose to submit an application under s16 of the Town Planning Ordinance, then TPB PG-No. 16 would apply and the proposed development would have to meet the planning criteria stipulated in the guidelines, i.e. a major portion of the proposed development should be dedicated to GIC or public uses. As for the current rezoning application, there were two main considerations, i.e. whether the applicant had provided sufficient justifications for rezoning, and whether the subject site was suitable for residential use.

34. A Member said that the application should not be supported and asked whether the site would be left vacant without an after-use after the school was closed down. Ms. Olga Lam replied that the Government reserved the right to re-enter the site but the lot owner could also appeal against the decision of the Government. Moreover, there was an

established mechanism for lease modification of sites previously granted by private treaty.

35. The Vice-Chairman said that the survey was not submitted under the procedures stipulated in the relevant guidelines and therefore should not be accepted. The Vice-Chairman's view was supported by other Members.

36. A Member said that the application could be supported as the subject site was more suitable for residential development than school use. Besides, there were already measures to reduce the traffic noise impacts. The proposed residential development might also have a lesser impact on the traffic conditions as compared with a school development. The Member also agreed to the use of an independent survey to gauge the local opinions, although the tabled information containing only the conclusion of the survey should not be accepted. However, the Member shared EPD's worry that the proposed noise mitigation measures might not be successfully implemented. The Chairman remarked that surveys to gauge local opinions were fine but apart from the results, the survey methodology, the questionnaire, etc. should also be submitted so that a proper assessment could be made.

37. A Member said that the application should not be supported as the proposed residential development would become a buffer between Princess Margaret Road and the Waterloo Hill area and it would not be fair to the residents living in the proposed residential building.

38. A Member said it was the responsibility of the applicant to provide justifications for the consideration of the Committee. However, the applicant's justification that school use had become obsolete was not strong enough to merit rezoning the site to residential use. The Member also considered that the continuity of the "G/IC" belt was an important consideration. Another Member said that there was still demand for other forms of education, such as continued education or vocational training and therefore school use should not be seen as an obsolete use.

39. Members generally agreed that the application should be rejected. The Chairman invited Members to consider the reasons not to agree to the application. Members then went through the reasons for rejecting the application as stated in para. 12.1 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at

the meeting.

40. After further deliberation, the Committee decided not to agree to the application for amendment for the reason that there were no strong planning justifications and merits for the rezoning of the subject site from “Government, Institution or Community” (“G/IC”) to “Residential (Group E)1” (“R(E)1”). The “G/IC” zoning of the subject site should be maintained as it formed an integral part of a G/IC belt separating Princess Margaret Road from the residential developments in the Waterloo Hill area.

Tsuen Wan and West Kowloon District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/695 Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Unit C2A, G/F, Hong Kong Spinners Industrial Building,
 Phases I and II, 800 Cheung Sha Wan Road
 (MPC Paper No. A/K5/695)

Presentation and Question Sessions

41. Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

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

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The shop and services use was considered generally in line with the planning intention of the “OU(Business)” zone. It was not incompatible with the uses of the subject industrial building which mainly comprised shops, an office and a canteen on the ground floor, and offices of industrial and trading firms on the upper floors. It also complied with TPB PG-No. 22D as it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. The subject industrial building was subject to a maximum permissible limit of 230m² for aggregate commercial floor area on the ground floor. The approved commercial floor area on the ground floor of the subject industrial building was 200.8m². If the subject application was approved, the aggregate commercial floor area of shop and services uses on the ground floor of the subject industrial building would be increased by 21m² to 221.8m², which was within the maximum permissible limit of 230m². In this connection, D of FS had no in-principle objection to the application.

42. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape and fire service installations in the subject premises, within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011; 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.

44. The Committee also agreed to advise the applicant:

- (a) that valid planning permission from the TPB should have been obtained for the applied use at the application premises; and
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department on the submission of building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance and the provisions of adequate means of escape, access and facilities for persons with a disability and fire resisting construction to separate the application premises from the remaining portion of the building.

[The Chairman thanked Mr. Philip Y.L. Chum, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/417 Proposed Religious Institution (Church) and Training Centre
in “Residential (Group A) 6” zone,
Shop 3B, Level 1 (including Upper Part),
Discovery Park, 398 Castle Peak Road, Tsuen Wan (TWTL 361)
(MPC Paper No. A/TW/417)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed religious institution (church) and training centre;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, seven public comments were received. One of them supported the application and considered that inconvenience to the residents was not envisaged. Five of the commenters objected to the application for the reasons that (i) there was insufficient information on the church and training centre; (ii) possible traffic problems such as illegal parking and illegal drop-off; (iii) nuisance to residents and overcrowding of the shopping arcade during weekends; (iv) the church was not needed; (v) the church might affect property value; (vi) worries over using the premises for columbarium use. The remaining commenter had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment made in paragraph 11 of the Paper. The proposed religious institution (church) and training centre was located in the purpose-built commercial podium of a composite commercial/residential development (i.e. Discovery Park). The proposed uses were compatible with other commercial uses on Level 1 of the commercial podium. As there was a direct access to the Premises from Tsuen King Circuit, it was unlikely that the activities of the proposed church would have adverse impacts on the residents. The proposed change of use would not incur any change in domestic and non-domestic GFAs of Discovery Park. Regarding the public concerns on traffic, relevant departments including the Commissioner for Transport and the Commissioner of Police had no objection to the application. As for the concerns on columbarium use, the applicant had clarified that the Premises would not be used as a columbarium.

46. Members had no question on the application.

Deliberation Session

47. 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 24.9.2014, 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 condition :

- the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

48. The Committee also agreed to advise the applicant to note :

- (a) the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department on the application for a wavier to permit the applied use at the subject premises; and

- (b) the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance and its regulations.

[The Chairman thanked Mr. K.T. Ng, STP/TWK, for his attendance to answer Members' enquiries. He 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/TY/112 Temporary Concrete Batching Plant
for a Period of 3 Years in "Industrial" zone,
Tsing Yi Town Lot 108 RP (Part), Tsing Yi
(MPC Paper No. A/TY/112)

49. The Secretary reported that the application was submitted by Hongkong United Dockyards Ltd, which was a joint venture between Hutchison Whampoa and Swire Pacific. Mr. Raymond Chan and Mr. Felix Fong had declared interests in this item as Mr. Chan had current business dealings with Swire Pacific and Mr. Fong had current business dealings with Hutchison Whampoa.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary concrete batching plant for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, five public comments were received. They all objected to the application on environmental, health and traffic grounds. One of the commenters, Shell Hong Kong Ltd, which had an oil depot to the immediate south of the site, also raised concerns on the risk of dust contamination of the lubricants and chemicals stored at its storage tanks and plants; 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 Site fell within an “Industrial” zone and was located in an established special industrial area in west Tsing Yi. To the southeast of the Site were other industrial-related operations, including shipyards, oil depots, works sites, warehouses, open vehicle parks and container-related uses. The proposed temporary concrete batching plant for 3 years was considered not incompatible with the surrounding industrial-related developments. The technical concerns of the Commissioner for Transport and the Director of Fire Services could be addressed by imposing relevant approval conditions. Regarding the public comments, it should be noted that the Site was located at a relatively remote part of the west Tsing Yi industrial area. The hills at the central part of Tsing Yi Island could effectively screen off the potential environmental impacts and disturbances to the residential areas in the north-eastern part of Tsing Yi. The operation of the concrete batching plant would also be subject to the control of various pollution control laws and licences in relation to noise, dust emission and air pollution.

[Mr. Maurice Lee arrived to join the meeting at this point.]

51. A Member asked whether marine access was essential to the operation of the

proposed concrete batching plant. Mr. Y.S. Lee replied that as large volumes of the raw materials including cement and aggregates had to be transported from mainland China to the subject concrete batching plant, having marine access would have considerable advantage for the operation by allowing transportation by sea.

52. The same Member asked whether the heavy investment involved in the development of a concrete batching plant would necessitate the renewal of the temporary planning permission in the future. Mr. Y.S. Lee replied that whether to apply for renewal of the temporary planning permission was a commercial decision to be taken by the applicant. The applicant had indicated that there was a growing demand for concrete in Hong Kong and hence there was a need for a new concrete batching plant. Within the Tsing Yi area, there was one similar application for a temporary batching plant which was approved by the Committee on 22.2.2008 for a period of three years until 22.2.2011 (No. A/TY/102). No application for renewal of the temporary permission for concrete batching plant had ever been approved by Committee in this area.

53. A Member asked whether there was any evidence to verify the concerns raised by Shell Hong Kong Ltd. Mr. Y.S. Lee replied that the commenter had not provided any information to verify their concerns. According to the applicant, the entire production process would be enclosed. Dust control measures would be adopted to reduce dust emission. The concrete batching plant would be required to comply with all relevant pollution control legislation and Environmental Protection Department had no objection to the application. It should be noted that there was an existing concrete batching plant located to the further northwest of the Shell Oil Depot. No complaints had been received regarding the operation of the existing plant.

54. Noting that a marshalling area had been proposed by the applicant, Mr. Anthony Loo asked about the land status of the area and where it would be located. By referring to an aerial photograph, Mr. Y.S. Lee pointed out that the marshalling area was located to the immediate east of the application site. The area was a piece of Government land granted to the applicant under a Short Term Tenancy and was restricted to the marshalling of container vehicles. The applicant might have to liaise with Lands Department on the proposed accommodation of concrete mixers within the marshalling area.

Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant should be allowed at any time during the planning approval period;
- (b) the submission of operation control and traffic management proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 24.3.2011;
- (c) in relation to (b) above, the implementation of operation control and traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 24.6.2011;
- (d) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.3.2011;
- (e) in relation to (d) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.6.2011;
- (f) the submission of emergency vehicular access, water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (g) in relation to (f) above, the provision of emergency vehicular access, water supplies for fire fighting and fire service installations proposals within 9

months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.6.2011;

- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) 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.

56. The Committee also agreed to advise the applicant to note :

- (a) the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department that the owner of Tsing Yi Town Lot 108RP should apply for a separate temporary waiver for the proposed concrete batching plant (and not a lease modification as mentioned in paragraphs 2.3.3 and 4.5.1 of the Planning Statement). The temporary waiver application would be subject to comments from relevant bureaux and/or departments including no less than Environmental Protection Department (EPD), Transport Department, the District Officer (Kwai Tsing), Home Affairs Department and the Director of Electrical and Mechanical Services (Gas Standards Office). There was no guarantee that the application would be approved;
- (b) the comments of the Director of Environmental Protection that the concrete batching plant in accordance with Schedule 1 Specified Process of Air Pollution Control Ordinance, 'Works in which the total silo capacity exceeds 50 tonnes and in which cement is handled or

- (c) the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The provision of emergency vehicular access should comply with Part VI of Code Practice for Means of Access for Firefighting and Rescue which was administrated by Buildings Department (BD);
- (d) the comments of Chief Building Surveyor/New Territories West, BD that the erection of concrete batching plant should be in compliance with provisions of the Buildings Ordinance; and
- (e) the comments of the Chief Engineer/Development (2), Water Supplies Department that for provision of water supply to the development, the applicant would need to extend his/her inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the installations, operation and maintenance of the inside services within the private lots to his standards.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/KC/357

Proposed Commercial Use

including Shop and Services/Eating Places/Offices in “Industrial” zone,
High Fashion Centre, 1-11 Kwai Hei Street, Kwai Chung

(MPC Paper No. A/KC/357)

57. The Committee noted that the applicant’s representative had requested on 10.9.2010 for deferment of the consideration of the application for one month in order to allow enough time for the applicants to resolve the comments from the concerned

Government departments on the application.

58. 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 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/359 Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Workshop Nos. 9A & 10A, G/F, Favor Industrial Centre,
 2-6 Kin Hong Street, Kwai Chung
 (MPC Paper No. A/KC/359)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period

and no local objection was received by the District Officer (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 shop and services use under application was considered not incompatible with the uses of the subject industrial building which mainly comprised workshops, canteens, and a godown on ground floor and industrial uses, industrial-related offices and trading firms on the upper floors. It also complied with TPB PG-No. 22D as the development would unlikely generate adverse impacts on the surrounding areas. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. The total GFA of the commercial floor area previously approved by the Committee at ground floor of the subject industrial building was about 236m². If the subject application was approved, the aggregate total floor area would be 258m², which would not exceed the maximum permissible limit of 460m².

60. Members had no question on the application.

Deliberation Session

61. 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 of fire service installations proposal and the implementation of fire service installations in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011; 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.

62. The Committee also agreed to advise the applicant:
- (a) that prior planning permission should have been obtained before commencing the applied use at the application premises;
 - (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department on the application for a short term waiver to effect the proposed use at the subject premises;
 - (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the compliance with the provisions of the Buildings Ordinance; and
 - (d) to note the comments of the Commissioner for Transport that loading/unloading activities should only be conducted off-street.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/KC/360

Proposed Public Utility Installation

(Elevated Concrete Platform with Steel Gantry above and At-grade Concrete Trough for 400kV Connection to Lai Chi Kok Substation) in “Green Belt” zone, Government Land Adjoining New Kowloon Inland Lot 5980 (Lai Chi Kok 400kV Substation), Kwai Chung
(MPC Paper No. A/KC/360)

63. The Committee noted that the applicant’s representative had requested on 10.9.2010 for deferment of the consideration of the application for two months in order to allow time to consult relevant Government departments with regard to their comments on the application.

64. 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.

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/222 Proposed Shop and Services
in "Other Specified Uses" annotated "Kowloon Point Piers" zone,
KP27, G/F, Kowloon Point Pier, Tsim Sha Tsui
(MPC Paper No. A/K1/222)

65. The Secretary reported that the application was submitted by The "Star" Ferry Co., Ltd., which was a subsidiary of Wharf (Holdings) Ltd. Mr. Roger Luk had declared an interest in this item as he was a member of the Board of Directors of Wharf T&T and a former member of the Board of Directors of Wheelock Properties Ltd., both of which were companies related to Wharf (Holdings) Ltd.

[Mr. Roger Luk left the meeting temporarily at this point.]

Presentation and Question Sessions

66. Mr. C.K. Soh, STP/TWK, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment from Designing Hong Kong in support of the application was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The Premises was located on the ground floor of an existing 2-storey pier building under franchise for the provision of cross harbour ferry services. The proposed shop and services use with an area of 40.6m² for the provision of convenient service to passengers, local visitors and tourists was considered not incompatible with the land uses within the pier building and in the surrounding areas. The Commissioner for Transport had advised that the proposed use at the Premises would unlikely affect ferry operation and cause obstruction to passenger flow. Concerned Government departments consulted had no adverse comments on the application.

67. Members had no question on the application.

Deliberation Session

68. 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 24.9.2014, 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 condition :

- the provision of fire service installations and water supply for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

69. The Committee also agreed to advise the applicant to note :

- (a) the comments of the Chief Estate Surveyor/Estate Management, Lands Department that the application would be subject to the subsequent approval of commercial concession granted by the Secretary for Development under existing guidelines;
- (b) the comments of the Director of Fire Services regarding the need to comply with the requirements on Emergency Vehicular Access as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue; and
- (c) the comments of the Director of Architectural Services that the works related to the proposed use should not have adverse effect to the structure of the premises and means of escape.

[Mr. Roger Luk returned to join the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/529 Proposed Flat
 in “Residential (Group E)” zone,
 7 Arran Street, Tai Kok Tsui
 (MPC Paper No. A/K3/529)

70. The Secretary reported that the application was submitted by Hambrook Investments Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Mr.

Raymond Chan and Mr. Felix Fong had declared interests in this item as they had current business dealings with SHKP. Ms. Julia Lau had also declared an interest in this item as she was a former employee of SHKP. The Committee noted that Mr. Felix Fong had already left the meeting.

[Mr. Raymond Chan and Ms. Julia Lau left the meeting temporarily at this point.]

71. The Secretary said that the application and further information for the proposed residential development with a height of 104.45mPD was submitted on 8.7.2010 and 9.8.2010 respectively when there was no building height restriction on the site under the draft Mong Kok OZP No. S/K3/27. However, under the current draft Mong Kok OZP No. S/K3/28, the site was subject to a maximum building height of 80mPD. Planning Department was seeking legal advice from the Department of Justice as to whether building height was a material consideration in this application and had therefore proposed to defer consideration of the application.

Deliberation Session

72. After deliberation, the Committee decided to defer a decision on the application pending the legal advice from the Department of Justice.

[Mr. Raymond Chan and Ms. Julia Lau returned to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/531 Shop and Services Use (Retail Shop)
 in “Residential (Group E)” zone,
 Unit 9, G/F, Henley Industrial Centre,
 9-15 Bute Street
 (MPC Paper No. A/K3/531)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services use (retail shop);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment from a member of the Yau Tsim Mong District Council was received. She could not support the application as there were traffic and street management concerns; 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 retail shop use on G/F was considered compatible with the existing retail shops in other units on G/F of the subject building and was not subject to interface problems with the industrial-related offices and warehouses on the upper floors. There was no change in planning circumstances since the approval of the previous application (No. A/K3/445) for retail shop use at the Premises on 18.2.20005. The proposed shop and services use was not expected to cause adverse impact to the surroundings. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the G/F. The total GFA of the commercial floor area previously approved by the Committee at ground floor of the subject industrial building was about 418.23m². Should the application be approved, the aggregate total floor area would be increased to 421.234m², which would still be within the maximum permissible limit of 460m². Regarding the

public comments on traffic and on-street management issues, it should be noted that the Commissioner for Transport had provided relevant advice to the applicant.

74. Members had no question on the application.

Deliberation Session

75. 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 of fire service installations proposal and means of escape, and the implementation of fire service installations and provision of means of escape in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011; 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.

76. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department that the applicant should apply for a temporary waiver for shop and services use;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the existing unauthorized cockloft structure over the Premises should be removed and the premises should be re-instated in

accordance with the approved plans; and

- (d) to note the comments of the Commissioner for Transport that :
- (i) there should be no shop front extension beyond the building line of the application premises;
 - (ii) loading/unloading of goods vehicles on public streets, if any, should be confined to off-peak hours;
 - (iii) the Government had the right to impose, alter or cancel any parking loading/unloading facilities and/or any no-stopping restrictions on roads to cope with changing traffic conditions and needs; and
 - (iv) the applicant should not expect the Government to provide such facilities for use of the retail shop.

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

Hong Kong District

Agenda Item 13

Section 16 Application

[Open Meeting]

A/H3/394 Proposed Hotel Development with Eating Place
in "Residential (Group A) 12" zone,
Nos. 20, 22, 24 and 26 Staunton Street, Central
(MPC Paper No. A/H3/394)

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

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

78. The Secretary said that according to TPB PG-No. 33, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representation was relevant to the subject application. As the building height restriction and setback requirement of the subject site were the subjects of outstanding representations, the Planning Department considered that instead of acceding to the applicant's request for deferment of 2 months, the consideration of the application should be deferred pending the CE in C's final decision on the representations in respect of the OZP.

Deliberation Session

79. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council's decision on the relevant representations in respect of the Sai Ying Pun & Sheung Wan OZP.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/395 Proposed Partial Conversion of an Existing Building into 'Hotel'
in "Residential (Group A) 7" zone,
G/F to 2/F (Portion), 15/F to 26/F (Portion),
Healthgate Medical Centre,
160 Des Voeux Road West and 25 Sai Woo Lane, Sai Ying Pun
(MPC Paper No. A/H3/395)

80. The Secretary said that according to TPB PG-No. 33, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding

adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representation was relevant to the subject application. As the zoning and building height restriction of the subject site were the subjects of outstanding representations and comments, the Planning Department considered that the consideration of the application should be deferred pending the CE in C's final decision on the representations in respect of the OZP.

Deliberation Session

81. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council's decision on the relevant representations in respect of the Sai Ying Pun & Sheung Wan OZP.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H19/63 Proposed Minor Relaxation of Site Coverage to 33%
for Permitted House Development in "Residential (Group C)" zone,
2 Cape Drive, Chung Hom Kok
(MPC Paper No. A/H19/63)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of site coverage to 33% for permitted house development;

- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application and considered that under the proposed redevelopment scheme, the houses were set back substantially from Cape Road, which minimized the visual impact when viewed from the road and provided landscaping opportunities to enhance the amenity of the area. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) had no adverse comment on the application and considered that the proposed development appeared not to be incompatible with other existing or planned buildings in the vicinity;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Southern); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed relaxation of site coverage from 25% to 33% did not exceed the maximum permissible level of 50% adopted by the Board and was mainly to cater for design flexibility by allowing a stepped height design. The proposed plot ratio of 0.75 and building height of 3 storeys in addition to 1 storey of carports were within the restrictions stipulated under the OZP. The application was considered generally in line with the planning criteria as set out in the Board's general guidelines.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.9.2014, 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; and
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issue relating to the development with the concerned owner of the application site;
- (b) note the comments of District Lands Officer/Hong Kong West and South of Lands Department in respect of the requirement of lease modification;
- (c) note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue; and
- (d) note the comments of the Chief Engineer/Hong Kong & Islands of Drainage Services Department regarding the submission of drainage plans to the Building Authority for approval.

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

[Mr. Louis K.H. Kau, STP/HK, was invited to the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/153 Minor Relaxation of Plot Ratio for Caretaker's Office and
Owner's Corporation Office in Residential Development
in "Residential (Group C) 1" zone,
Villa Rocha, 10 Broadwood Road, Happy Valley
(MPC Paper No. A/H7/153)

86. The Secretary declared an interest in this item as she had a property on Broadwood Road. As she was not a Member of the Committee and did not take part in its decision making, Members agreed that she should be allowed to stay in the meeting.

Presentation and Question Sessions

87. Mr. Louis K.H. Kau, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the minor relaxation of plot ratio for caretaker's office and owner's corporation office in residential development;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment from a member of the Wan Chai District Council was received. He commented that he had received no adverse comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The caretaker's office and owner's corporation office to be provided were

to meet the operational needs of estate management. The proposed site coverage was within the maximum site coverage of 25% stipulated on the OZP. The proposed relaxation of plot ratio of 0.0036 was considered minor and insignificant, and should not have any adverse impact on the surrounding areas.

88. Members had no question on the application.

Deliberation Session

89. 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 24.9.2014, 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 condition :

- the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

90. The Committee also agreed to advise the applicant to note the comments of the District Lands Officer/Hong Kong East, Lands Department regarding the need to apply for lease modification to effect the proposed development.

[The Chairman thanked Mr. Louis K.H. Kau, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Professor P.P. Ho left the meeting temporarily at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting]

A/H5/389 Proposed Office in “Residential (Group A)” zone,
Regal Court, 12-18 Wing Fung Street, Wan Chai and the rear lane
(MPC Paper No. A/H5/389)

91. The Secretary reported that the application was submitted by Super Gear Investment Ltd., which was related to Swire Properties Limited. Mr. Raymond Chan had declared an interest in this item as he had current business dealings with Swire Properties Limited. As the applicant had requested to defer consideration of the application, Mr. Chan could be allowed to stay at the meeting.

92. The Committee noted that the applicant’s representative had requested on 14.9.2010 and 16.9.2010 for deferment of the consideration of the application for two months in order to allow time to prepare response to the comments of Government departments.

93. 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.

Kowloon District

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/238 Proposed Religious Institution (Church)
in “Residential (Group A)” zone,
Cinema/Theatre B on G/F (Part) and 1/F (Part),
Portion A2 on 1/F, Sun Shing Centre,
Nos. 137-145 Kowloon City Road, Nos. 96-110 Pau Chung Street
and Nos. 48-56 San Shan Road, Ma Tau Wai
(MPC Paper No. A/K10/238)

Presentation and Question Sessions

94. Ms. Jessica H.F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (church);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Kowloon City); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 9 of the Paper. The proposed religious institution (church) use at the application premises was considered compatible with the neighbouring church use (Cinema/Theatre A) in the commercial podium. There was no increase in the total GFA for the non-domestic portion of the subject development.

The proposed church was provided with a separate access from the residential portion and therefore would not cause nuisance to the residents of the building. It would take up the premises of the former cinema/theatre and was not expected to generate adverse impact on the local traffic, environment and infrastructural provisions.

95. Members had no question on the application.

Deliberation Session

96. 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 24.9.2014, 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 condition :

- the design and provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

97. The Committee also agreed to advise the applicant to note :

- (a) the comments of the District Lands Officer/Kowloon East that adequate loading and unloading spaces should be provided for the office portion of the religious institution under the lease conditions;
- (b) the comments of the Director of Fire Services that the fire services installations and equipment should be provided in accordance with paragraph 4.3.1 of the current Code of Practice for Minimum Fire Services Installations and Equipment; and
- (c) the comments of the Chief Building Surveyor/Kowloon, Buildings Department that an Authorized Person should be appointed to submit building (alterations & additions) plans for formal approval of the change in use from cinema to church and also application for the modification

under Building (Planning) Regulation 30. Access and facilities for persons with a disability should be provided in accordance with the Design Manual: Barrier Free Access 2008.

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

[Miss Annie K.W. To, STP/K, was invited to the meeting at this point.]

[Professor P.P. Ho returned to join the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/261 Shop and Services in "Other Specified Uses" annotated "Business" zone,
Workshop No. 4 on Ground Floor, Kingsford Industrial Centre,
13 Wang Hoi Road, Kowloon Bay
(MPC Paper No. A/K13/261)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Kwun Tong);

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The 'Shop and Services' use at the application premises was considered generally in line with the planning intention of the "OU(Business)" zone. Similar applications for 'Shop and Services' use had been approved for the workshop units at the ground floor of the subject industrial building and other industrial buildings in the Kowloon Bay Business Area. The 'Shop and Services' use at the application premises was not incompatible with the other uses within the same building. It complied with the Town Planning Board Guidelines for Development within "OU (Business)" zone (TPB PG-No. 22D) 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.

99. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or the TPB by 24.3.2011; 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.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary wavier or lease modification; and
- (b) appoint an Authorized Person to submit Alterations and Additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
 - (i) the subject premises should be separated from the remaining portion of the building with walls having a 2-hour fire resistance period pursuant to Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9;
 - (ii) access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that all unauthorized building works/structures in the subject premises should be removed; and
- (d) consult Food and Environmental Hygiene Department regarding food licence for operation of food business under Food Business Regulations if food business was involved.

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

[Mr. Silas K.M. Liu, STP/K, was invited to the meeting at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/623 Temporary Shop and Services (Courier Service Counter)
in “Other Specified Uses” annotated “Business” zone,
Workshop 3, G/F, Prosperity Centre, 25 Chong Yip Street, Kwun Tong
(MPC Paper No. A/K14/623)

102. The Secretary reported that the application was submitted by Prodes Co. Ltd., a subsidiary of Cheung Kong (Holdings) Ltd (CKH). Mr. Felix Fong had declared an interest in this item as he had current business dealings with Hutchison Whampoa, a company related to CKH. The Committee noted that Mr. Felix Fong had already left the meeting.

103. Ms. Julia Lau declared an interest in this item as she had bought a number of car parking spaces in the neighbourhood of the application premises. Members considered that her interest was indirect and remote and agreed that she could stay in the meeting.

Presentation and Question Sessions

104. 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;
- (b) the temporary shop and services (courier service counter) for a period of 4 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments were received. One of them supported the application, while the other had no objection to the application provided that the applied use did not contravene the lease

conditions, and that the applicant should comply with the requirements of the relevant Government departments including Buildings Department and Fire Services Department; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The shop and services (courier service counter) use at the application premises was considered generally in line with the planning intention of the “OU(Business)” zone. The shop and services (courier service counter) use at the application premises complied with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. Should the Committee approve the application, the total commercial floor area of 394.24m² on G/F of the subject building was within the maximum permissible limit of 460m².

105. A Member asked whether the courier service counter would have adverse traffic implications on the surrounding areas. Mr. Silas Liu replied that the subject premises was close to the Ngau Tau Kok MTR Station and therefore it would be convenient for the delivery personnel to travel to and from the MTR Station. There were also loading and unloading facilities within the subject building and therefore adverse traffic impacts were not expected. The Commissioner for Transport had been consulted and he had no objection to the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 4 years up to 24.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment in the subject premises, within 6 months from the date of the approval to the satisfaction of the

Director of Fire Services or of the TPB by 24.3.2011; 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.

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

- (a) apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the shop and services (courier service counter) use at the subject premises; and
- (b) note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the approved ramp for persons with a disability had been omitted. The applicant was advised to reinstate the ramp in accordance with the building plan no. A/01/02 approved on 5.1.1999.

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/624 Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Unit B1, G/F, Block I of Camelpaint Building,
 62 Hoi Yuen Road, Kwun Tong
 (MPC Paper No. A/K14/624)

108. The Secretary reported that the application was submitted by Topgate Development Ltd. represented by Raymond Chan Surveyors Ltd (RCS). Mr. Raymond Chan had declared an interest in this item as he was the Director of RCS. The Committee noted that Mr. Chan had already left the meeting.

Presentation and Question Sessions

109. 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;
- (b) the shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments were received. One of them supported the application, while the other had no objection to the application provided that the applied use did not contravene the lease conditions, and that the applicant should comply with the requirements of the relevant Government departments including Buildings Department and Fire Services Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The shop and services use at the application premises was considered generally in line with the planning intention of the "OU(Business)" zone. The current application was an enlargement of the previously approved application (No. A/K14/591) by 56.76m² to include the ancillary storage area. The shop and services use at the application premises complied with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. Should the Committee approve the application, the total commercial floor area of 469.84m² on G/F of the subject building would slightly exceed the maximum permissible limit of 460m². Notwithstanding the above, the Director of Fire Services (D of FS) considered the exceedance of about 10m² acceptable.

110. Noting that the maximum permissible limit of the total commercial floor area had already been slightly exceeded, a Member asked whether future applications for commercial use at the ground floor of the subject building would be supported by D of FS. Mr. Silas Liu replied that D of FS in general would not support applications that would lead to the exceedance of the maximum permissible limit of the total commercial floor area at the ground floor of an industrial or industrial-office building.

Deliberation Session

111. A Member asked whether the portion of the premises which was used for storage purposes should be counted toward the maximum permissible limit. Mr. Silas Liu replied that the applicant sought planning permission to use the entire application premises for shop and services use. It was only that a portion of the application premises was being used as a storage facility. The Secretary said that if the applicant sought planning permission for warehouse use, then the concerned premises would not be counted toward the maximum permissible limit.

112. 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 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment in the subject premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011; 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.

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

- (a) apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the shop and services use at the subject premises; and
- (b) note the comments of the Chief Building Surveyor/Kowloon, Buildings Department on the appointment of an Authorised Person to submit building plans for the change of use and/or alterations works to demonstrate compliance with the Buildings Ordinance, in particular: (i) adequate means of escape should be provided in accordance with Building (Planning) Regulation 41(1); (ii) provision of 2-hour fire resisting separation wall/slab between the application premises and the remaining portion of the building in accordance with Building (Construction) Regulation 90 and paragraphs 8 and 9 of the Code of Practice for Fire Resisting Construction 1996; and (iii) provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/627 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit D2, G/F, Block II, Camelpaint Building,
62 Hoi Yuen Road, Kwun Tong
(MPC Paper No. A/K14/627)

114. The Secretary reported that the application was submitted by Topgate Development Ltd. represented by Raymond Chan Surveyors Ltd (RCS). Mr. Raymond Chan had declared an interest in this item as he was the Director of RCS. The Committee noted that Mr. Chan had already left the meeting.

Presentation and Question Sessions

115. 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;
- (b) the shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments were received. One of them supported the application, while the other had no objection to the application provided that the applied use did not contravene the lease conditions, and that the applicant should comply with the requirements of the relevant Government departments including Buildings Department and Fire Services Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The shop and services use at the application premises was considered generally in line with the planning intention of the “OU(Business)” zone. The shop and services use at the application premises complied with the Town Planning Board Guidelines for Development within the “OU(Business)” Zone (TPB PG-No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. Should the Committee approve the application, the total commercial floor area of 248.4m² on G/F of the subject building was still within the maximum permissible limit of 460m².

116. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment in the subject premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011; 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.

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

- (a) apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the shop and services use at the subject premises; and
- (b) note the comments of the Chief Building Surveyor/Kowloon, Buildings Department on the appointment of an Authorised Person to submit building plans for the change of use and/or alterations works to demonstrate compliance with the Buildings Ordinance, in particular: (i) provision of 2-hour fire resisting separation wall/slab between the application premises and the remaining portion of the building in accordance with Building (Construction) Regulation 90 and paragraphs 8 and 9 of the Code of Practice for Fire Resisting Construction 1996; and (ii) provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.

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

Agenda Item 23

[Closed Meeting]

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

Agenda Item 24

Any Other Business

120. There being no other business, the meeting was closed at 12:45 a.m.