

TOWN PLANNING BOARD

Minutes of 431st Meeting of the Metro Planning Committee held at 9:00 a.m. on 26.11.2010

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

Professor P.P. Ho

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Roger K.H. Luk

Professor S.C. Wong

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. David To

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

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

Deputy Director of Planning/District
Mr. Lau Sing

Secretary

Absent with Apologies

Mr. Maurice W.M. Lee

Professor Joseph H.W. Lee

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. Winnie S.M. Tang

Ms. L.P. Yau

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

In Attendance

Assistant Director of 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 430th MPC Meeting held on 12.11.2010

[Open Meeting]

1. The draft minutes of the 430th MPC meeting held on 12.11.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

Tsuen Wan and West Kowloon District

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

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/KC/1 Application for Amendment to the
Draft Kwai Chung Outline Zoning Plan No. S/KC/24
from “Industrial” to “Other Specified Uses” annotated ‘Columbarium’,
No 14-15, Yip Shing Street, Kwai Chung
(MPC Paper No. Y/KC/1)

3. The Secretary reported that Ms. Olga Lam had declared an interest in this item as she owned a flat in Kwai Chung. Members noted that she had not arrived at the meeting yet.

Presentation and Question Sessions

4. Mr. Y.S. Lee, STP/TWK, as representative of the Planning Department, and Mr. Ma Pui Hei, Billy and Mr. Hiro Ma, as representatives of the applicant, were invited to the meeting at this point.

5. The Chairman extended a welcome and explained the procedures of the hearing. Mr. Y. S. Lee was then invited to brief Members on the background to the application. Mr. Lee reported that a letter from the Secretariat of the Legislative Council to the Director of Planning dated 23.11.2010 had been received. The letter relayed the reasons of the owners' committee of Greenknoll Court for objecting to the application. The letter was tabled at the meeting for Members' reference. With the aid of a Powerpoint presentation, Mr. Lee presented the application as detailed in the Paper and made the following main points:

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

The Proposed Amendment

- (a) the applicant proposed to rezone the application site from "Industrial" ("I") to "Other Specified Uses" annotated "Columbarium" ("OU(Columbarium)") to facilitate the wholesale conversion of an existing four-storey industrial building into a columbarium with 43,500 niches. The applicant also proposed to include 'Columbarium' as a Column 1 use and 'Religious Institution' as a Column 2 use;
- (b) the application site was located in an industrial area where industrial buildings/warehouses were in active operation. The site was accessible from Yip Shing Street which was a sloping cul-de-sac. Part of Yip Shing Street was a right-of-way maintained by the Incorporated Owners of Tung Luen Industrial Building. Kwai Hing MTR Station was located about 300m to its west and Greenknoll Court was about 170m to its east;

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

Departmental Comments

- (c) the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department commented that the relevant lease contained some provisions which did not allow operation of the proposed columbarium. If planning permission was given, the lot owner had to apply for a lease modification;
- (d) the Director General of Trade and Industry did not support the application as he considered that any rezoning proposals for the “I” sites should be considered in a comprehensive manner. He was concerned whether there would be adequate industrial land to meet the demand for industrial floor space if further rezoning applications were approved;
- (e) the Commissioner for Transport did not agree to the application as the applicant had not provided information on the vehicular and pedestrian impact assessment for the proposed development during Ching Ming and Chung Yeung Festivals and the month before and after these festivals. In addition, the demand of public transport services other than MTR services should also be assessed;
- (f) the Commissioner of Police did not support the application as it would be dangerous for any built-up of crowds in the area. There was no direct public transport to the site and no public parking facility was available nearby. The narrow pedestrian walkway on only one side of Yip Shing Street was not suitable for a large number of grave sweepers to walk to and from the site. Only 32 car parking spaces would be provided at the site but it was estimated that a few hundred vehicles would enter Yip Shing Street during Ching Ming and Chung Yeung Festivals. The application would have considerable policing implications from both crowd management and public safety point of view;
- (g) the Director of Environmental Protection considered that the application did not have any environmentally related information other than “no burning of joss sticks or paper offerings”. He had doubts whether this

statement was true considering that these practices were traditional Chinese rituals. The applicant was expected to provide further information/assessment on the proposal. The concerns of the Owners' Committee of Greenknoll Court on the application should also be noted;

Public Comments

- (h) on 24.9.2010, the application was published for public inspection. During the first three weeks of the public inspection period, 679 public comments were received and all of them objected to the application. The public commenters included a Legislative Councillor and nine members of the Kwai Tsing District Council, companies and owners' committee of the nearby industrial/residential buildings, residents of Greenknoll Court, as well as members of the public. One banner from the Democratic and Livelihood Alliance of North-east Kwai Chung with about 1,400 signatures objecting to the application was also received;
- (i) the major grounds for objecting the application included land use incompatibility between the proposed columbarium and the nearby residential areas, the adverse traffic and environmental impacts, the adverse psychological impacts on nearby workers/residents, and the fact that there were already three proposed columbarium sites in Kwai Chung, which meant that it would not be necessary to have one more columbarium at the subject site;
- (j) the District Officer (Kwai Tsing) reported that the Community Affairs Committee of Kwai Tsing District Council also passed a motion objecting to the application for the proposed columbarium;

Planning Department's (PlanD) Views

- (k) PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper, which was summarized as follows:
- (i) based on the “Area Assessment 2009 of Industrial Land in the Territory” (the Area Assessment Study) conducted by PlanD in September 2010 which was endorsed by the Board on 17.9.2010, the subject “I” zone was recommended to be retained given the prevalent active and established industrial uses in the area. The existing “I” zone was considered appropriate to ensure an adequate supply of industrial floor space;
 - (ii) the proposed columbarium use did not comply with the site selection criteria outlined in the Area Assessment Study. It was incompatible with the surrounding land uses as it was located in the centre of a well-established and active industrial area and was 170m to the nearest residential development. There was also no direct public transport to the site;
 - (iii) as three columbarium sites had already been identified in Kwai Chung, sporadic columbarium development at the site which lay within an active industrial area was not supported;
 - (iv) there was no assessment in the submission to demonstrate that the proposed columbarium would not result in adverse traffic and environmental impacts on the surrounding areas. Furthermore, the applicant had not provided information on special crowd management measures during Ching Ming and Chung Yeung Festivals and the month before and after these festivals to ensure public safety; and
 - (v) approval of the rezoning application would set an undesirable precedent for other similar applications in the area. The

cumulative effect of approving these applications would lead to adverse traffic and environmental impacts on the surrounding areas.

6. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a powerpoint presentation, Mr. Billy Ma made the following main points:

- (a) the applicant intended to develop the proposed columbarium in three phases, and in each phase the applicant would develop one floor of the building involving 14,500 niches. At the ground floor of the building, there would be a stacked car park with 32 car parking spaces;
- (b) the applicant had a good financial standing, and would set up a management fund in the form of a trust to be managed by a local financial agency, and the trust would be operated from 2011 to 2047. The applicant intended to provide a private columbarium with an affordable price of about \$10,000 for each niche, which would be rented out on a long-term basis from 2011 to 2047. Regarding the design and operation of the proposed columbarium, the applicant had studied a number of columbaria in Tokyo (photographs of these columbaria were shown to Members during the powerpoint presentation);
- (c) the proposed columbarium would be accessed through Yip Shing Street, which was generally quiet during public holidays. A traffic count was conducted at Chung Yeung Festival this year, and it indicated that a total of 110 vehicles entered/left Yip Shing Street from 8am to 6pm, which meant that there were only 9.1 passengers car unit (pcu) per hour on that day. Besides, based on a survey of the approved building plans for all the factory buildings along Yip Shing Street, it was found that there were only a total of 114 vehicle parking spaces within these factory buildings, indicating that there was not much vehicular traffic generated by these factories;
- (d) a Traffic Impact Assessment (TIA) had been tabled at the meeting for Members' information. The TIA predicted that the vehicular traffic

generated by the proposed columbarium would be 830 pcu, while the vehicular load per hour would be 28 pcus. The traffic generated by the proposed columbarium was negligibly small and should have no impact on the existing traffic conditions;

- (e) about 10 days a year (including Ching Ming and Chung Yeung Festivals, and the Saturdays and Sundays immediately before and after the two festivals) were considered as “Festive Periods”, during which the number of visitors to the proposed columbarium was expected to be the greatest. The applicant proposed an administrative measure to relieve the possible traffic impact by assigning one-third of the niches as “Class A”, and the remaining niches as “Class B”. Only visitors to the “Class A” niches were allowed to visit the proposed columbarium during the “Festive Periods” by prior booking. These restrictions would be clearly stated in the tenancy agreement for the niches;
- (f) making reference to a TIA study prepared for a proposed columbarium at Sha Lo Tung, the applicant estimated that the number of visitors per day during the “Festive Period” would be about 5,000 (at a rate of 0.28 person per niche), and the number of visitors per hour during the peak hours would be about 720;
- (g) as regards the measures to control vehicular access and the number of visitors, it was proposed that no vehicles would be allowed into the proposed columbarium except vehicles for the disabled and free shuttle buses provided by the applicant. During the “Festive Periods”, head count would be conducted to ensure that the total number of visitors would not exceed 500 visitors per floor. The applicant also highlighted the route leading from Kwai Hing MTR Station to the subject site along which visitors could walk to and from the proposed columbarium;
- (h) environmental measures that would be taken included: (i) the prohibition of the burning of joss sticks or incense; (ii) restricted access for vehicles; (iii) the provision of greenery at the roof; and (iv) maintaining the façade of the

existing factory building, although alternative design of the facades had been prepared for Members' consideration; and

- (i) although there was strong objection from the residents of Greenknoll Court, the residents did not have to walk along Yip Shing Street to go to the MTR Station. They could take a shorter route along Kung Yip Street to get to the MTR Station.

7. In response to a question from a Member, Mr. Billy Ma said that he did not have any photograph of the application site taken from Greenknoll Court, but according to some television footage, he noticed that the roof of the subject building and Yip Shing Street could be seen from Greenknoll Court.

8. A Member asked why the data presented by the applicant were different from those contained in the TIA, and why the TIA did not include the conclusions on the pedestrian flow arising from the proposed columbarium as presented by the applicant. Mr. Billy Ma said that the assignment of the niches into "Class A/B" was an administrative measure proposed by the applicant himself and was not included in the TIA. In addition, he considered that the visitor rates estimated for the initial years of the operation of the proposed columbarium, as contained in Table 3 of the TIA, were quite subjective. However, it was predicted in the TIA that the visitor rates would decrease with time assuming that the niches were rented out at a rate of 4,000 per year. After a number of years, the visitor rates would drop to 0.3 person per niche, which was quite close to the estimate of 0.28 person per niche as shown in the powerpoint presentation.

9. The same Member asked whether the pedestrian flow data presented in the powerpoint presentation were his own estimate and not that of the traffic consultant. Mr. Billy Ma said that the findings of the TIA prepared by the consultant were referred to, but the applicant considered that reference should also be made to the study prepared for the proposed columbarium at Sha Lo Tung, given that Sha Lo Tung was an environmentally sensitive area and the crowd control measures proposed in that study were more stringent.

10. A Member asked (i) what was the basis in determining the change in the visitor rates in the TIA report; (ii) whether any estimates had been made with regard to the duration

of each visit by the niche visitors; and (iii) whether the proportion and price of the “Classes A and B” niches would be changed if the number of visitors increased during the months before and after Ching Ming and Chung Yeung Festivals. Mr. Billy Ma said that as he did not have the specific information at hand, supplementary information could be provided to Members after the meeting if needed. However, it should be noted that some of the data used were based on the study for the proposed columbarium at Sha Lo Tung. The Chairman said that the proposed columbarium at Sha Lo Tung had not been submitted to the Board for consideration and questioned whether it was appropriate to apply the TIA data to the proposed scheme. As the Committee would make a decision on the application at the meeting, all relevant information should have been provided before the meeting.

11. Mr. David To said that as the TIA was only tabled at the meeting, he could only go through the report briefly. He said that, in general, the coverage of the TIA was inadequate and the traffic impacts arising from the proposed columbarium were generally under-estimated. He said that as all visitors to the proposed columbarium needed to go through Yip Shing Street, the critical section of the pedestrian route that controlled the capacity of pedestrian flow should be the narrow pavement of Yip Shing Street rather than the 4.5m wide staircase as identified in the TIA. On the other hand, while the applicant claimed that the elderly and the disabled would be taken care of, the long flight of stairs was not suitable for the disabled and no remedial measures had been provided in the TIA. As regards traffic flows, the provision of public transport services and the traffic impacts arising from the vehicles for the disabled and the free shuttle buses had not been included in the TIA.

12. A Member asked whether the applicant intended to rely on the TIA prepared by the consultant or his own data in the powerpoint presentation to support the rezoning application, and if both sets of data were relied upon, how the applicant would reconcile the two sets of contradictory data. Mr. Billy Ma replied that both sets of data had been relied upon in the application. While the information in the TIA was mainly about the traffic flow, the data presented in the powerpoint was related to the administrative measures proposed to reduce the pedestrian and vehicular traffic during the “Festive Period”.

13. The Vice-Chairman asked how the applicant would ensure that the administrative measures relating to environmental and crowd control could be properly implemented and enforced. Mr. Billy Ma said that the prohibition of the burning of joss sticks would be

strictly enforced by security guards, and the entry to the proposed columbarium would be monitored at the reception. The visitors would be asked to observe the restrictions imposed by the management of the proposed columbarium.

14. The Chairman asked whether there was any information on the number of niches in the columbaria in Tokyo. Mr. Billy Ma replied that Shoho-ji (正法寺墓苑) had about 5,000 to 6,000 niches with a GFA of about 500m², while Tokyogoby (東京御廟) had 6,000 niches. In Tokyogoby, the niches were kept in a closed area and when a visitor came in, the relevant niche would be transferred from a storage area to a designated area inside the columbarium to allow the visitors to pay respect to the deceased. The people of Hong Kong might not find such an arrangement acceptable.

15. A Member asked whether the price of \$10,000 per niche was an annual payment, and what measures would be taken if the trust fell short of money. Mr. Billy Ma said that, if the application was approved, the niches would be rented out to customers on a long-term basis from 2011 to 2047 and they only needed to pay \$10,000 for the entire rental period. The trust would be managed by a bank and if it fell short of money, the applicant would inject capital into the trust to ensure that there would be enough funds to continue the operation of the proposed columbarium. The applicant also intended to allocate a certain number of niches for donation to help the needy.

16. A Member asked whether Shoho-ji was in existence before the residential developments in the neighborhood. Mr. Billy Ma replied that Shoho-ji was a new columbarium development within a dense residential neighborhood. Some of the graves were placed in an open courtyard directly adjacent to residential developments. However, Mr. Billy Ma added that he was not sure whether such a design would be acceptable in Hong Kong.

17. 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.

Deliberation Session

18. A Member said that while the adverse traffic impacts were an important consideration, the concerns of the residents should also be taken into account. However, details of the management of the proposed columbarium and the price of the niches should not be relevant considerations of the rezoning application. The Chairman supplemented that there were over 600 public comments objecting to the application on environmental, traffic and psychological grounds. In addition, the Owners' Committee of Greenknoll Court had held a petition against the application and a copy of their letter expressing its grounds for objecting the application had been tabled at the meeting.

19. A Member said that there were differences between Chinese and Japanese cultures. Temples and columbaria in Japan were mostly privately owned and they were operated like a business with no religious background. The Member said that even though the proposed columbarium was completely enclosed and was located at a site some distance away from the residential developments, the residents would still consider the proposal unacceptable.

20. A Member said that the two main considerations in this application were the objections of the residents and the potential traffic problems during Chung Yeung and Ching Ming Festivals. Given the distance of the proposed columbarium to the residential development, it was understandable that the proposal would not be accepted by the residents. It was also uncertain whether the proposed administrative measures to reduce the traffic impacts could be properly implemented. That Member did not support the application.

21. A Member said that columbarium was an essential facility. The main issue was where they should be located. For the subject application, the proposed columbarium was located in an active industrial area and many government departments did not support the application on various grounds. The local residents and industrial operators also objected to the application. Although the applicant had proposed administrative measures to reduce the adverse traffic and environmental impacts, it might be difficult to ensure that the measures would be strictly followed. In view of the above, the Member did not support the application.

22. A Member said that the application could not be supported as the TIA and the traffic data presented in the powerpoint were subjective and were not acceptable. The administrative measure to designate the niches into “Class A/B” was not satisfactory. Given that visitors to “Class B” niches were not allowed to enter the proposed columbarium during the “Festive Periods”, their visits would likely be concentrated at the same weekends shortly before or after these periods, leading to serious traffic problems in the area. Besides, the narrow and sloping Yip Shing Street was not suitable for a large number of pedestrians to walk through.

23. The Vice-Chairman said that he was not convinced by the arguments of the applicant. The proposed booking system for “Class A/B” niches could be easily abused as the right to visit a “Class A” niche could be transferred to a customer of “Class B” niche. Regarding the prohibition of the burning of joss sticks, experience indicated that the visitors might burn the joss sticks along the streets nearby, resulting in even greater traffic and environmental problems. He also considered that the concerns of the residents were generally valid. Besides, as there was strong demand for land for port back-up uses and the logistics industry, the approval of this application would represent a loss of industrial land for such purposes. It was therefore not suitable to use the subject “I” site for the development of a columbarium. The Chairman said that according to the Area Assessment Study conducted by PlanD, the warehouses in the subject area remained active in operation.

24. A Member said that as the TIA was only tabled at the meeting, Members could only briefly go through the TIA report. Nonetheless, it was noted that the traffic consultant had not concluded in the TIA report that there would be no problem with the pedestrian flow. The TIA was considered inadequate in its coverage. For example, no information had been provided on the duration of each visit to the niches which would affect the pedestrian flow. The Member considered that the data presented in the powerpoint were not reliable. As the columbarium business was highly profitable, the Member was also concerned that approval of this application would set an undesirable precedent, attracting more columbaria to the area. The Member did not support the application.

25. A Member said that as the number of deaths in Hong Kong amounted to 50,000 per year, the assumption in the TIA that 4,000 niches would be rented out every year might

have been under-estimated. The inadequacies of the TIA report alone warranted the rejection of the application. The Member asked that, in future, if an application for 'columbarium' use satisfied all technical requirements, whether such an application could be rejected based on local objections alone. The Secretary replied that according to the established practices of the Town Planning Board, local objection was only one of the considerations in assessing an application. The Chairman added that local objection had to be substantiated by reasons and Members should take into account those grounds of the objection that were relevant considerations. Objection grounds such as psychological or fung shui impacts might not be relevant considerations.

26. The Secretary said that a set of Town Planning Board guidelines on the application for 'columbarium' use was being prepared by the Secretariat. The Board might determine how much weight should be given to the local objection in assessing such applications.

27. A Member asked whether a minimum distance between a columbarium and a residential development would be set in the guidelines. The Chairman said that it might not be appropriate to specify a certain distance between the two land uses as the topography of the site, its surrounding and intervening land uses would have to be taken into account. Each application had to be considered on its own merits. In response to a question from a Member, the Secretary said that the draft guidelines would be submitted to the Board for consideration and agreement in due course.

28. Mr. David To said that he agreed with the comments of Members on the traffic impacts arising from the proposed columbarium. The TIA was considered not acceptable as both its coverage and accuracy were inadequate.

29. To conclude, the Chairman said that Members did not support the application. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejecting the application as stated in para. 10.2 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting as follows:

- (a) the proposed development, which was located in the middle of an active

industrial area and near to residential developments, was not compatible with the surrounding land uses;

- (b) Yip Shing Street, which was a sloping cul-de-sac with only a narrow pavement on one side of the street, was not suitable as an access road to the proposed columbarium. There was insufficient information/assessment in the submission to demonstrate that the proposed development arising from the proposed zoning amendment would not result in adverse traffic and environmental impacts on the surrounding areas. Furthermore, the applicant had not provided sufficient information to demonstrate that the special crowd management measures during the Ching Ming and Chung Yeung festival days and the month before and after these festivals to ensure public safety were acceptable; and
- (c) the approval of the rezoning proposal would set an undesirable precedent for other similar rezoning applications in the area. The cumulative effect of approving these requests would lead to adverse traffic and environmental impacts on the surrounding area.

[The meeting adjourned for a break of 5 minutes and resumed at 11:40 a.m.]

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

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/K3/3

Application for Amendment to the
Draft Mong Kok Outline Zoning Plan No. S/K3/27
from “Residential (Group E)”
to “Other Specified Uses” annotated “Business”,
Famous Horse Industrial Building,
Nos. 1145-1153 Canton Road, Mong Kok
(KIL 2931 s.ARP, s.B, s.C, s.D and RP)
(MPC Paper No. Y/K3/3)

30. The Committee noted that the applicant’s representative had requested on 18.11.2010 for deferment of the consideration of the application for two months in order to allow additional time to address the comments and concerns raised by the Transport Department and Drainage Services Department.

31. 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 three 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 5

Section 16 Application

[Open Meeting]

A/KC/360 Proposed Public Utility Installation (Elevated 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)

32. The Committee noted that the applicant had requested on 9.11.2010 for deferment of the consideration of the application for two months in order to allow additional time to resolve the comments from the relevant government departments on the application.

33. 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 6

Section 16 Application

[Open Meeting]

A/K2/193 Proposed Office in “Residential (Group A)” zone, Nos. 197-197A Reclamation Street, Yau Ma Tei [Kowloon Inland Lot Nos. 8440 and 10129]
(MPC Paper No. A/K2/193)

34. The Secretary reported that the draft Yau Ma Tei OZP No. S/K2/21, incorporating building height restriction of 80mPD for the “R(A)” zone covering the

application site, was being exhibited for public inspection under section 5 of the Town Planning Ordinance for a period of two months until 29.12.2010. When considering planning application No. A/H5/387 on 29.10.2010, the Committee agreed that as that application site was related to an amendment item on the OZP which was still being exhibited for public inspection and it was uncertain whether any relevant adverse representation would be received, legal advice should be sought on the deferment. As the legal advice was not yet available, PlanD recommended that the consideration of the subject application should similarly be deferred.

35. After deliberation, the Committee agreed that the consideration of the application should be deferred pending the availability of the legal advice.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/100 Proposed House Development at a Plot Ratio of 0.75
 in “Residential (Group C)” zone,
 Lot. 253 s.AR.P., 261 and 388, D.D. 399, Ting Kau, Tsuen Wan
 (MPC Paper No. A/TWW/100)

Presentation and Question Sessions

36. 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 house development at plot ratio of 0.75;
- (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 (Tsuen Wan); 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 “R(C)” zone provided that the maximum plot ratio might be increased from 0.4 to 0.75, provided that the noise impact from Castle Peak Road on the proposed development would be mitigated to the satisfaction of the Board. To support the application, the applicant had conducted a Traffic Noise Impact Assessment and had included a self-protecting building design. In this regard, Director of Environmental Protection had no objection to the application from the environmental perspective. The technical concerns raised by the Fire Services Department could be addressed through the imposition of approval conditions.

37. Members had no question on the application.

Deliberation Session

38. 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 26.11.2014, 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 design and provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.

39. The Committee also agreed to advise the applicant to note the comments of:

- (a) the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department on the application for lease modification upon approval of the application; and
- (b) 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.]

Hong Kong District

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/123 Proposed Gas Governor Kiosk in "Green Belt" zone,
Land Adjacent to 8-12 Deep Water Bay Drive
(MPC Paper No. A/H17/123)

40. The Secretary reported that the application was submitted by the Hong Kong & China Gas Ltd., which was a company related to Henderson Land Development Co. Ltd. (HLD). Mr. Raymond Chan had declared interests on this application as he had current

business dealings with HLD. Mr. Clarence Leung had also declared interests on this application as he was the director of a NGO that had recently received a private donation from a family member of the Chairman of HLD. Members noted that Mr. Leung had tendered apologies for being unable to attend the meeting.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed gas governor kiosk;
- (c) departmental comments – 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 (Southern); 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 application was to facilitate the relocation of an existing gas governor kiosk at 8-12 Deep Water Bay Drive. The proposed gas governor kiosk was a facility essential to the maintenance of a stable gas supply pressure in the area. The applicant had demonstrated that no suitable alternative site was available. The proposed gas governor kiosk was small in scale and would be located at the grass verge behind the railing of the existing footpath. It would unlikely create adverse impacts on the natural landscape, visual amenity and pedestrian flow of the surrounding areas. The application was considered generally in line with the relevant criteria laid down in the TPB-PG No. 10. As the application site fell in the “GB”

zone, it was recommended that an approval condition be included to require the submission and implementation of a landscape proposal to ensure that there would be no adverse landscape impact.

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 should be valid until 26.11.2014, 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 submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

44. The Committee also agreed to advise the applicant to note the comments of:

- (a) the Director of Electrical and Mechanical Services regarding the design of gas governor kiosk; and
- (b) the Chief Engineer/Hong Kong & Islands of Drainage Services Department (DSD) regarding the need to liaise with the DSD before commencement of trenching works.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/63 Proposed Eating Place in “Open Space” zone,
G/F (Portion), 29 Big Wave Bay Village, Shek O
(MPC Paper No. A/H18/63)

Presentation and Question Sessions

45. 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 eating place;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the statutory publication period, two public comments were received. One commenter objected to the application as he worried that the proposed eating place would adversely affect Big Wave Bay Village such as noise nuisance, illegal parking and traffic problems at night, as well as the pollution of Big Wave Bay Beach. He also considered that the subject premises already provided good services to visitors for many years and the proposed eating place was an excess. The other commenter asked about the numbering of the squatters in the village and whether eating place use was allowed; 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 application, which involved the conversion of part of an existing store within a one-storey structure to an eating place, would not result in land use

incompatibility with the surrounding areas, where shops catering for visitors to Big Wave Bay Beach could be found. The proposed eating place was small in scale and would unlikely lead to adverse impacts on the surrounding areas. The approval of the application would not jeopardize the planning intention of the “O” zone, as the squatter structure would be cleared by the Government if there was a programme to develop the “O” zone. As regards the local concerns, the proposed eating place was small in scale and would unlikely create problems such as illegal parking or traffic problems at night and no major environmental problem was anticipated. As regards the question of why eating place was permitted, Lands Department had advised that use of eating place was in the same category as the record usage of the surveyed structure.

46. A Member asked what type of food would be served by the proposed eating place. Mr. Lam said that the applicant intended to apply for a light refreshment restaurant. According to a previous application to the Food and Environmental Hygiene Department, the applicant intended to sell “Group A” food items which included noodles, dumplings, boiled vegetables, non-alcoholic drinks and pre-prepared food.

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 26.11.2014, 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 the comments of:

- (a) the Chief Engineer/Hong Kong & Islands, Drainage Services Department (DSD) that the applicant should liaise with the DSD to ascertain the need

for the provision of a stormwater collection and discharge system;

- (b) the Director of Environmental Protection regarding the need to comply with relevant pollution control ordinances and to apply a licence in accordance with the Water Pollution Control Ordinance to cover the additional wastewater discharge generated from the proposed eating place; and
- (c) the Director of Food and Environmental Hygiene regarding the need to obtain a food business licence before operation of the eating place.

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

Kowloon District

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K10/239 Proposed Hotel in "Residential (Group A)" zone,
180-188 Pau Chung Street, Ma Tau Kok
(MPC Paper No. A/K10/239)

49. The application was submitted by Hillgold Ltd., which was a company related to Yu Tai Hing Company Ltd (YTH). Mr. Raymond Chan declared an interest in this item as he had current business dealings with YTH. As the applicant had requested for a deferment of consideration of the application, Members considered that Mr. Chan could be allowed to stay at the meeting.

50. The Committee noted that the applicant's representative had requested on 5.11.2010 for deferment of the consideration of the application for two months in order to allow more time to prepare supplementary information to support the application.

51. 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 11

Any Other Business

52. There being no other business, the meeting was closed at 11:00a.m.