

TOWN PLANNING BOARD

**Minutes of 432nd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 10.12.2010**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Mr. Raymond Y.M. Chan

Professor P.P. Ho

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

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
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor C.M. Hui

Professor Joseph H.W. Lee

Mr. Laurence L.J. Li

Professor S.C. Wong

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

Miss H.Y. Chu

Town Planner/Town Planning Board

Ms. Karina W.M. Mok

Agenda Item 1

Confirmation of the Draft Minutes of the 431st MPC Meeting Held on 26.11.2010

[Open Meeting]

1. The draft minutes of the 431st MPC meeting held on 26.11.2010 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

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K5/696 Proposed Hotel in “Residential (Group A)7” zone,
189-193 Pei Ho Street, Shum Shui Po
(MPC Paper No. A/K5/696)

3. The Secretary said that the draft Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/32, incorporating building height restrictions for various development zones and other amendments, was exhibited for public inspection under section 5 of the Town Planning Ordinance on 30.9.2010. On the above OZP, the “Residential (Group A)” (“R(A)”) zone covering the application site was rezoned to “R(A)7” with the imposition of building height restriction. One of the five representations received in respect of the OZP objected to the building height restrictions for all development zones, including the subject “R(A)7” zone. The hearing of the representations by the Town Planning Board (TPB) was tentatively scheduled for March/April 2011. As the draft Cheung Sha Wan OZP and the

representations had not yet been submitted to and considered by the Chief Executive in Council (CE in C), the consideration of the subject application would pre-empt the CE in C's decision. According to the TPB Guidelines No. 33 on 'Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance', a decision on a section 16 application would be deferred if the zoning of the application site was still subject to outstanding adverse representation yet to be submitted to the CE in C for consideration and the substance of the representation was relevant to the application. In this regard, it was considered appropriate to defer the consideration of the application pending the final decision of the CE in C on the representations and any further representation in respect of the OZP.

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

4. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council's decision on the Cheung Sha Wan Outline Zoning Plan (OZP) and the adverse representations in respect of the OZP.

[Mr. Y.S. Lee, 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/KC/362 Religious Institution (Rain Shelter and Toilets) in "Green Belt" zone,
Government land, Golden Hill, Shek Lei, Kwai Chung
(MPC Paper No. A/KC/362)

Presentation and Question Sessions

5. 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 religious institution (rain shelter and toilets) use;

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

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period of the application, a total of 11 public comments were received. Ten comments from the general public supported the application as the rain shelter and toilets could provide protection against inclement weather and convenience for morning hikers. The other comment from Designing Hong Kong Limited objected to the application as the site was zoned “Green Belt” (“GB”), but no information on tree compensation and protection was provided in the submission. No public comment was received during the statutory publication period of the further information; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments in paragraph 12 of the Paper. The subject Shun Fung Temple, a registered charitable organisation, had been in existence in Kwai Chung since 1981. It provided a place for worship for the local community. The subject application was to regularise the as-built situation of a rain shelter and two toilets of the temple. As the structures of the rain shelter and toilets under application had been built, no additional site formation works, tree felling or extensive clearance of natural vegetation would be required. Besides, the development was not considered excessive in scale and would not cause significant traffic, environmental, infrastructural, visual and landscape impacts on the surrounding areas. In this connection, the development complied with the TPB Guidelines No. 10 for ‘Application for Development within “GB” Zone’. The concerned government departments had no objection to or adverse comments on the application. An approval condition requiring

the applicant to submit a Geotechnical Assessment Report and implement the mitigation measures recommended therein had been recommended in paragraph 13.2(c) of the Paper. Ten comments from the general public supporting the application were received. Regarding the objection raised by Designing Hong Kong Limited due to the lack of information on tree compensation and protection, the Chief Town Planner/Urban Design and Landscape, PlanD and the Director of Agriculture, Fisheries and Conservation had no objection to the application. The columbarium use within Structures No. 6 and 7 of Shun Fung Temple was not the subject of the current application. According to the Notes of the relevant Outline Zoning Plan, 'Columbarium (within a Religious Institution or extension of existing Columbarium only)' use was under Column 2 of the subject "GB" zone which required planning permission from the TPB. Should the Committee decide to approve the application, the applicant should be advised to seek planning permission from the TPB for the columbarium use as recommended in paragraph 13.2(b) of the Paper.

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

6. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.6.2011;
- (b) the submission and implementation of septic tanks and soak-away systems for the toilets within six months from the date of the planning approval to

the satisfaction of the Director of Environmental Protection or of the TPB by 10.6.2011;

- (c) the submission of a Geotechnical Assessment Report and implementation of the mitigation measures recommended therein within six months from the date of the planning approval to the satisfaction of the Director of Civil Engineering and Development or of the TPB by 10.6.2011; and
- (d) if any of the above planning conditions (a), (b) or (c) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to apply to the TPB for planning permission for the columbarium use within the temple at the application site;
- (c) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department to apply for a short term tenancy to effect the temple use. The applicant was also required to fulfil the relevant legislations and the requirements of the relevant government departments before the regularisation of the rain shelter and toilets in question could be further considered;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that Authorized Person must be appointed to coordinate any new buildings works for compliance with the Buildings Ordinance;
- (e) to note the comments of the Director of Environmental Protection that the design and operation of the septic tanks and soak-away systems for the

toilets should meet the Environmental Protection Department's Practice Note for Professional Persons PN 5/93 "Drainage Plans Subject to Comment by the Environmental Protection Department" and to obtain the licence under the Water Pollution Control Ordinance;

- (f) to note the comments of the Director of Fire Services on the submission of relevant layout plans incorporating the fire service installations (FSIs) proposal for the proposed structures and to make reference to the following requirements :
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
 - (iii) should the applicant wish to apply for exemption from the provisions of certain FSIs as prescribed by his department, the applicant was required to provide justification for his consideration; and
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to maintain the structures within the application site in a proper manner.

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

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/534 Proposed Religious Institution in “Residential (Group A)” zone,
Unit 5, First Floor, i-Home, 38-44 Larch Street, Tai Kok Tsui
(MPC Paper No. A/K3/534)

Presentation and Question Sessions

9. 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 religious institution on the 1/F of an existing 41-storey commercial/residential building;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period of the application, one public comment was received. The commenter supported the application as the proposed religious institution could educate people to be good citizens; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments in paragraph 10 of the Paper. The application premises was located in a predominantly residential neighbourhood with shops on the lower floors. As such, the proposed religious institution, which aimed to serve the neighbouring residents, was considered not incompatible with the surrounding developments. According to the Occupation Permit issued by the Building Authority, the application premises was located within the non-domestic portion of the subject building. The non-domestic portion was served by a staircase and

lift which were separated from the access to the residential units on the upper floors of the same building. As such, the operation of the proposed religious institution would not affect the residential portion of the subject building. The proposed religious institution was also considered not incompatible with the existing uses within the same building. The concerned government departments had no objection to or adverse comments on the application. An approval condition requiring the applicant to provide fire service installations and water supplies for fire fighting had been recommended in paragraph 11.2 of the Paper.

10. Members had no question on the application.

Deliberation Session

11. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 10.12.2014, 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 supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

12. The Committee also agreed to advise the applicant to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that an Authorized Person should be appointed to submit building (alterations and additions) plans to demonstrate compliance with the Buildings Ordinance, in particular the provision of means of escape under Building (Planning) Regulation 41 and the requirements of paragraph 11.1 of the Means of Escape Code.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/K3/535 Proposed Flat in “Residential (Group E)” zone,
7 Arran Street, Mong Kok (KIL No. 8075)
(MPC Paper No. A/K3/535)

13. The Secretary said that as the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK), the following Members had declared their interests in this item :

- Mr. Raymond Y.M. Chan and Mr. Felix W. Fong for having current business dealings with SHK; and
- Ms. Julia M.K. Lau for being the former employee of SHK.

14. The Committee noted that Mr. Felix W. Fong had tendered an apology for being unable to attend the meeting. As the Planning Department had requested for deferral of consideration of the application, the Committee agreed that the other Members with interests declared could be allowed to stay at the meeting.

15. The Secretary said that the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/28, incorporating building height restrictions for various development zones and other amendments, was exhibited for public inspection under section 7 of the Town Planning Ordinance on 17.9.2010. One of the 11 representations received in respect of the OZP opposed to the building height restrictions for all development zones, including the subject “R(E)” zone covering the application site. The hearing of the representations by the Town Planning Board (TPB) was tentatively scheduled for March/April 2011. As the draft Mong Kok OZP and the representations had not yet been submitted to and considered by the Chief Executive in Council (CE in C), the consideration of the subject application would pre-empt the CE in C’s decision. According to the TPB Guidelines No. 33 on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’, a decision on a section 16 application would be deferred if the zoning of the application site was still subject to outstanding adverse representation yet to be submitted to the CE in C for consideration and the substance of the representation was

relevant to the subject application. In this regard, it was considered appropriate to defer the consideration of the application pending the final decision of the CE in C on the representations and any further representation in respect of the OZP.

16. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council's decision on the Mong Kok Outline Zoning Plan (OZP) and the adverse representations in respect of the OZP.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/TW/410 Proposed Shop and Services in "Industrial" zone,
Hale Weal Industrial Building, 22-28 Tai Chung Road,
Tsuen Wan (Tsuen Wan Town Lot No. 332)
(MPC Paper No. A/TW/410B)

17. The Committee noted that the applicant's representative on 3.12.2010 requested for deferment of the consideration of the application for two months in order to allow time for the applicant to resolve technical issues with the Transport Department.

18. 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 the further information, and as a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. K.T. Ng, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 8

[Open Meeting]

Proposed Amendments to the Approved Tsuen Wan Outline Zoning Plan No. S/TW/26
(MPC Paper No. 26/10)

19. The Secretary said that as some proposed amendment items under consideration were related to the industrial buildings owned by Sun Hung Kai Properties Ltd. (SHK) or its subsidiaries, the following Members had declared their interests in this item :

- Mr. Raymond Y.M. Chan and Mr. Felix W. Fong for having current business dealings with SHK; and
- Ms. Julia M.K. Lau for being the former employee of SHK.

20. The Committee noted that Mr. Felix W. Fong had tendered an apology for being unable to attend the meeting. As the item was for the consideration of proposed amendments to an Outline Zoning Plan (OZP) and related to the plan-making process, the Committee agreed that the other Members with interests declared could be allowed to stay at the meeting according to the Town Planning Board (TPB)'s procedure and practice.

21. With the aid of a Powerpoint presentation, Mr. K.T. Ng, STP/TWK, presented the proposed amendments to the approved Tsuen Wan OZP No. S/TW/26 as detailed in the Paper and covered the following main points :

Background

- (a) according to the Area Assessments 2009 of Industrial Land in the Territory (Area Assessments 2009) undertaken by the Planning Department (PlanD), the northern part of the Tsuen Wan East Industrial Area (the Site) had a vacancy rate of 19.2%. Many existing industrial buildings within the Site were over 30 years old and under single ownership. Besides, there were residential and commercial developments/redevelopments in the surrounding area such as Chelsea Court, H Cube, Indi Home, Tai Wo Hau Estate, Vision City, The Dynasty and Nina Tower;

- (b) on 17.9.2010, the TPB endorsed in principle the findings and recommendations of the Area Assessment 2009, including the rezoning of the Site from “Industrial” (“I”) to mainly “Comprehensive Development Area” (“CDA”) to facilitate comprehensive residential development with commercial facilities and open space provision. The proposed rezoning could eliminate the potential industrial/residential (I/R) interface problem between the future developments within the Site and the existing industrial uses to the south of Yeung Uk Road. It could also provide impetus for the land use restructuring/upgrading of the Tsuen Wan East area;
- (c) on 28.9.2010, the Tsuen Wan District Council (TWDC) were consulted on and Members of the TWDC generally supported the rezoning proposal. During a consultative session held on 20.11.2010, most landowners raised no objection to the rezoning proposal, except a few landowners who raised concerns on/objection to the zoning approach;
- (d) having considered the departmental comments, the early availability of the ex-Tai Wo Hau Factory Estate (ex-TWHFE) site, the land status, ownership pattern, road alignment and as-built developments on site, it was proposed to sub-divide the Site into the following smaller areas and their detailed rezoning proposals were summarised below;

Rezoning Proposals for Residential Use

- (e) Item A1: the northern portion of the ex-TWHFE site abutting Sha Tsui Road was a piece of readily available Government land within the Site. It was proposed to rezone this area from “I” to “CDA(2)” for comprehensive residential development to serve as a catalyst to facilitate/expedite the re-structuring of the Site. In addition, a 15m-wide non-building area (NBA) was proposed at the western boundary of the proposed “CDA(2)” zone to provide a link between Sha Tsui Road and the proposed open space at the southern portion of the ex-TWHFE site. The future developer of the “CDA(2)” site would be required to provide a landscaped walkway open to the general public on the NBA;

- (f) Item A2: the area to the immediate north of Wang Wo Tsai Street at the junction of Sha Tsui Road and Luen Yan Street was predominantly private land. Among the four industrial buildings within this area, three were under single ownership. One was wholly vacant. It was proposed to rezone the area from “I” to “CDA(3)” to encourage site amalgamation for comprehensive redevelopment for residential use through private sector initiative;

- (g) Item A3: the area to the immediate north-east of Wang Wo Tsai Street at the junction of Yeung Uk Road and Texaco Road was predominantly private land. Three out of the six industrial buildings within this area were under single ownership. Those buildings flanking Texaco Road would be subject to severe traffic noise. Such environmental constraints might not be easily overcome if each of the lots concerned was redeveloped on its own. It was considered appropriate to adopt a CDA approach for this area which could provide more flexibility in terms of the design and disposition of residential blocks to tackle the traffic noise and emission problems. In this regard, it was proposed to rezone this area from “I” to “CDA(4)” to encourage site amalgamation for comprehensive redevelopment for residential use through private sector initiative;

- (h) Item A4: the area to the south of Wang Wo Tsai Street at the junction of Yeung Uk Road and Kwu Hang Road was also predominantly private land. Two out of the six industrial buildings within this area were under single ownership. The other four industrial buildings were under multiple ownership, including Sunwise Industrial Building with about 190 owners. The adoption of a CDA approach which could help upgrade/transform the area in a more comprehensive, cohesive and flexible manner was considered appropriate. In this regard, it was proposed to rezone the area from “I” to “CDA(5)” to encourage site amalgamation for comprehensive redevelopment for residential use through private sector initiative;

- (i) Item A5: the area to the immediate east of the proposed “CDA(5)” zone

was predominantly private land occupied by four industrial buildings and a temporary open storage. All the individual lots within this area were under single ownership. It was proposed to rezone the area from “I” to “CDA(6)” to encourage site amalgamation for comprehensive redevelopment for residential use through private sector initiative;

- (j) the proposed “CDA(2)” to “CDA(6)” zones would be subject to a total maximum plot ratio of 5 of which a minimum plot ratio of 4.5 was for domestic use. Such development intensity was considered appropriate due to the following reasons:
 - (i) the infrastructural developments in the Tsuen Wan area had been planned based on a maximum domestic plot ratio of 5 or a maximum non-domestic plot ratio of 9.5. As such, a total maximum plot ratio of 5 for the concerned “CDA” sites would ensure that the existing/planned supporting infrastructure would not be overloaded;
 - (ii) the proposed plot ratio restriction was in line with the maximum domestic plot ratio of 5 for the “Residential (Group A)” zone on the OZP; and
 - (iii) a minimum plot ratio of 4.5 for domestic use would ensure that the sites would be developed/redeveloped in accordance with the planning intention of the sites primarily for residential purpose;
- (k) taking into account the relevant planning considerations including the topography, site levels, local character and the existing building height profile of the surrounding residential developments, it was proposed to stipulate a maximum building height of 100mPD for the proposed “CDA(2)” to “CDA(6)” zones;
- (l) to further enhance the building vista and improve the air ventilation at street/pedestrian level, ancillary car parking should be provided in the basement;

- (m) upon gazettal of the rezoning proposals, planning briefs for the proposed “CDA(2)” to “CDA(6)” zones would be prepared to guide the developments/redevelopments. The planning briefs would set out the requirements to submit Master Layout Plan and the relevant technical assessments to the TPB for consideration;

Rezoning Proposals for Other Uses

- (n) Item B: the existing Fortune Commercial Building at the north-western corner of the Site had a total gross floor area (GFA) of 10,165m² and a building height of 82mPD. It was held under multiple ownership (about 270 owners). It was proposed to rezone this site from “I” to “Commercial (5)” (“C(5)”) to reflect the as-built commercial development on site;
- (o) the proposed “C(5)” zone would be subject to a maximum GFA of 10,165m² and a maximum building height of 100mPD. The proposed building height restriction had taken heed of the building heights of developments in the surrounding areas and the proposed building height of 100mPD for the adjoining “CDA(2)” to “CDA(6)” zones;
- (p) Item C1: the southern portion of the ex-TWHFE site was easily accessible by the future residents at the Site. It was proposed to rezone this site from “I” to “Open Space” (“O”) in order to provide breathing space/visual relief of the area and to serve as a central plaza for the enjoyment of the future residents at the Site;
- (q) Item C2: the existing petrol filling station (PFS) to the north of Yeung Uk Road was located on a piece of private land with the lease to expire on 28.5.2025. The existence of the PFS would impose constraint on the redevelopment of adjoining sites in the area. It was therefore proposed to rezone this site from “I” to “O” for the provision of open space with a view to facilitating the redevelopment of the surrounding buildings and to serve the local residents in the area;
- (r) Item D: it was proposed to rezone various areas from “I” to areas shown as

‘Road’ to reflect the existing roads/pavements;

Proposed Amendments to the Notes of the OZP

- (s) to reflect the rezoning proposals as mentioned above, it was proposed to incorporate a new set of Notes for the proposed “CDA(2)” to “CDA(6)” zones and to amend the Notes for the current “C” zone to incorporate the new “C(5)” sub-zone, both with the relevant minor relaxation clauses;

Proposed Amendments to the Explanatory Statement of the OZP

- (t) opportunity had been taken to revise the Explanatory Statement of the OZP to take into account the proposed amendments and to reflect the latest status and circumstances of the area;

Departmental and Public Consultation

- (u) the concerned government departments had no objection to or adverse comments on the proposed amendments to the OZP. The proposed amendments had taken into consideration the departmental comments where appropriate; and
- (v) upon agreement of the Committee, the proposed amendments to the OZP would be published for public inspection under section 5 of the Town Planning Ordinance. The TWDC would be consulted on the amendments during the exhibition period of the draft Tsuen Wan OZP No. S/TW/27.

22. With the aid of a conceptual layout plan, Mr. K.T. Ng concluded his presentation by illustrating the location of the central plaza and the disposition of building blocks within the Site under the rezoning proposals.

23. Noting that a few landowners raised concerns/objection at the consultative session held on 20.11.2010, the Chairman asked what their major concerns were. In response, Mr. Wilson W.S. Chan, DPO/TWK, said that as detailed in paragraph 3.5 of the Paper, their concerns were mainly related to the implementation of the proposed “CDA” zoning which would require the amalgamation of individual lots; the rationale of adopting a CDA approach instead of “Residential (Group E)” zoning; the timetable on the

redevelopment programme of the ex-TWHFE site and the entire Site; as well as the existence of a PFS within the Site which would affect the redevelopment of the adjoining sites. Among those who raised concerns/objection at the consultative session, two landowners owned the entire industrial buildings within the Site. Under the proposed CDA approach, their lots would need to be amalgamated with other lots within the respective “CDA” zone for comprehensive redevelopment. This could be time-consuming and hence might affect the redevelopment programme of their lots. They considered that as their industrial buildings were under single ownership, they could be redeveloped on their own instead of forming part of the respective “CDA” sites. Representatives of PlanD explained at the meeting that the Site was subject to traffic noise and emission problems of the adjoining Texaco Road. Environmental mitigation measures such as setback might be required to tackle the environmental problems. A CDA approach for comprehensive redevelopment of the respective “CDA” sites which could provide more flexibility in terms of the design and disposition of the residential blocks to tackle the environmental problems.

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

24. In response to a Member’s enquiries about the compulsory sale of properties and implementation of the proposed “CDA” sites, the Secretary said that according to the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice, the application threshold for compulsory order for sale of the whole lot for redevelopment purposes had been lowered to 80% in respect of the specified classes of land lot with effect from 1.4.2010. The application threshold was on a lot basis rather than zoning basis. According to the Town Planning Board Guidelines No. 17 for ‘Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments’, there was allowance for phased development under the “CDA” zoning and the proposed phasing could be revised if justified by the applicant. A “CDA” site could also be implemented by one or more developers so long as the whole “CDA” site could be comprehensively planned through the preparation of a MLP as required under the Notes for the “CDA” zone and the approved MLP would be implemented by the respective developers in part in accordance with the approved MLP. Furthermore, it had been the Committee’s practice to review, on an annual basis, the “CDA” zoning for sites that had been so zoned on the statutory plans for more than three years. The review would assist the Committee in considering whether the zoning of individual “CDA” sites should be retained or amended and in monitoring the progress of “CDA” developments.

In case the lot owners or developers of “CDA” sites encountered difficulties in implementation, they could approach PlanD for advice or assistance.

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

25. A Member asked for the rationale of proposing five smaller “CDA” zones instead of one large “CDA” zone. Mr. Wilson W.S. Chan explained that while the proposed “CDA(2)” to “CDA(6)” zones would be subject to the same plot ratio and building height restrictions, there were other planning requirements which would be different for each site. For instance, the future development at the proposed “CDA(4)” zone might need to be setback from Texaco Road due to the traffic noise and emission problems of the road. Relevant government departments would be further consulted on the proposed mitigation measures. A 15m-wide NBA had been designated at the western portion of the proposed “CDA(2)” zone for the provision of a landscaped walkway linking to the proposed “O” zone abutting Wang Wo Tsai Street. As regards the proposed “CDA(5)” zone, provision of footbridge connection might be required for connection with the developments across Yeung Uk Road. A planning brief for each of the proposed “CDA(2)” to “CDA(6)” zones stipulating the different planning requirements for each site would be prepared.

26. In response to two Members’ questions, Mr. Wilson W.S. Chan said that according to the findings of the Area Assessment 2009, the industrial buildings within the Site had a vacancy rate of 19.2%. This was relatively high as compared to the overall vacancy rate of 6.5% for the industrial buildings within “I” zones in the territory. As regards the industrial buildings to the south of Yeung Uk Road, they had a vacancy rate of 7.3%.

27. A Member raised a concern on the future urban design of the area as the proposed “CDA(2)” to “CDA(6)” zones would be implemented by different developers. Mr. Wilson W.S. Chan said that in accordance with the Notes for the “CDA” zone, the developer of each “CDA” site had to submit a MLP showing information such as the general layout, landscape and urban design proposals of the proposed development/redevelopment for the Committee’s consideration and approval. Besides, in preparing the planning brief for the proposed “CDA(2)” to “CDA(6)” zones, the important urban design elements for the area (e.g. visual corridor) would be identified for incorporation into the planning brief such that the

developers could follow in preparing the MLP for the individual “CDA” sites.

28. After further deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the approved Tsuen Wan OZP No. S/TW/26 and that the draft Tsuen Wan OZP No. S/TW/26A (to be renumbered as S/TW/27 upon exhibition) at Attachment II of the Paper and its Notes at Attachment III were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) agree to adopt the revised Explanatory Statement at Attachment IV of the Paper as an expression of the planning intentions and objectives of the TPB for the various land use zonings of the OZP; and
- (c) agree that the revised Explanatory Statement was suitable for exhibition together with the draft Tsuen Wan OZP No. S/TW/26A (to be renumbered as S/TW/27 upon exhibition) under the name of the TPB.

[The Chairman thanked Mr. Wilson W.S. Chan, DPO/TWK, and Mr. K.T. Ng, STP/TWK, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Hong Kong District

[Ms. Kitty S.T. Lam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/168 Shop and Services (Retail Shop) in “Industrial” zone,
 Workshop 8, G/F, Block B, MP Industrial Centre,
 18 Ka Yip Street, Chai Wan

 (MPC Paper No. A/H20/168)

Presentation and Question Sessions

29. Ms. Kitty S.T. Lam, STP/HK, said that for Members’ information, a replacement of page 5 of the Paper was tabled at the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (retail shop) use;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Eastern); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to approving the application on a temporary basis for a period of three years based on the assessments in paragraph 11 of the Paper. The planning intention of the subject “Industrial” (“I”) zone was to reserve land primarily for general industrial uses. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the Town Planning Board (TPB) based on the individual merits of the proposal and the planning assessment criteria outlined in the TPB Guidelines No. 25D for ‘Use/Development Within “I” Zone’. The subject retail shop was

located on the ground floor of an existing industrial building with the main entrance fronting Ka Yip Street. Similar applications for shop and services (retail shop) use had been approved in other industrial buildings in the vicinity. Retail shops, trading firms, banks and eating places could also be found on the ground floor of the nearby industrial buildings. As such, the subject retail shop was considered not incompatible with the industrial and industrial-related uses in the subject building and the surrounding developments. The aggregate commercial floor area on the ground floor of the subject industrial building was subject to a maximum permissible limit of 460m². At present, there was no other commercial use within the subject building subject to the above limit. The gross floor area of the retail shop under application was about 106m² and hence would not exceed the above limit. The retail shop also generally complied with the relevant considerations set out in the TPB Guidelines No. 25D, including the fire safety and traffic aspects. Notwithstanding the above, should the Committee decide to approve the application, a temporary approval of three years was recommended in order not to jeopardize the long-term planning intention of the application premises which fell within the "I" zone for industrial use.

30. A Member referred to paragraph 6.1 of the Paper and noted that a similar application (No. A/H20/151) submitted by the applicant of the current application for the same use at part of Workshop 11 on the G/F of the same building was revoked on 7.10.2006 due to non-compliance with the approval condition. Ms. Kitty S.T. Lam said that condition (a) of the planning permission under Application No. A/H20/151 stipulated that the applicant had to provide fire resistance construction and design, means of escape and fire service installations to the satisfaction of the Director of Fire Services (DFS) or of the TPB by 7.10.2006. While the applicant had already submitted the relevant fire safety proposals before the specified date, the submission was considered not satisfactory by DFS. As the applicant failed to comply with condition (a) by 7.10.2006, the planning permission under Application No. A/H20/151 was revoked on the same date. Notwithstanding, the applicant had indicated that if the current application was approved by the Committee, he would comply with all the approval conditions as stated in paragraph 2(d) of the Paper.

Deliberation Session

31. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises and provision of means of escape within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.6.2011; and
- (b) if the above planning condition (a) 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.

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

- (a) to apply to the District Lands Officer/Hong Kong East, Lands Department for lease modification or a temporary waiver to permit the applied use at the subject premises; and
- (b) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department on :
 - (i) the submission of building plans for building works (if any) in connection with the use under application for approval under the Buildings Ordinance; and
 - (ii) the compliance with the Code of Practice for the Means of Escape in Case of Fire 1996, in particular Table 2 of the Code of Practice, and the provision of access and facilities for persons with a disability as required under Building (Planning) Regulation 72.

[The Chairman thanked Ms. Kitty S.T. Lam, STP/HK, for her attendance to answer Members' enquiries. Ms. Lam left the meeting at this point.]

Agenda Item 10

Any Other Business

33. There being no other business, the meeting was closed at 9:55 a.m..